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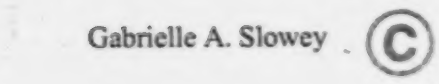
The Political Economy of Aboriginal Self-Determination: The Case of the Mikisew Cree First Nation

by

Gabrielle A. Slowey 

A thesis submitted to the Faculty of Graduate Studies and Research in partial fulfillment of the requirements for the degree of Doctor of Philosophy

Department of Political Science

Edmonton, Alberta

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Dedication

This work is dedicated to the people of the Mikisew Cree First Nation who took me into their homes, made me part of their lives and shared with me their stories.

This work represents my humble effort to express their experiences and perspectives on the changes that are occurring within and beyond their community.

This work is also dedicated to my husband, Altaf Kassam, who supported me unconditionally throughout my journey.

Abstract

The Political Economy of Aboriginal Self-Determination: The Case of the Mikisew Cree First Nation

Although the impact of globalization on state sovereignty and citizenship has been the focus of many studies, few have yet to consider its affects on Aboriginal people. This research begins to fill this gap. Drawing on the experiences of one "resource-rich" community, the Mikisew Cree First Nation (MCFN), this study explores how state-market-MCFN relations have changed in the neoliberal era. Combining document analysis with primary research, it identifies challenges raised by shifting state policies and market relations and provides insight into the way MCFN is managing the political and economic demands of Aboriginal self-determination. It argues that the political economy of Aboriginal self-determination reflects the neoliberal logic that the well-being of First Nations in the new economic order is a function of their ability to compete as autonomous, self-governing and self-sufficient entities in the global marketplace, rather than as wards of the state. Federal and provincial welfare state policies, once blamed for Aboriginal socio-economic problems, have been replaced by policies designed to promote Aboriginal market participation and self-sufficiency. By changing the definition of the "Indian problem," from needing state protection to seeing the state as the barrier to Aboriginal socio-economic development, the shift in the direction of the state vis-a-vis Aboriginal policy, from paternalism to partnership, makes sense. Interestingly, it is within this shift to neoliberalism that some Aboriginal communities are able to find space within which to develop their own solutions to their many problems. Therefore, this study concludes that globalization, being closely wedded to neoliberalism, provides a

framework through which we can better understand and explain the political economy of Aboriginal self-determination as it reflects broader changes occurring in the state-Aboriginal relationship as well as within Aboriginal communities.

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My thanks go out to the people of Fort Chipewyan and the Mikisew Cree who I first met in the spring of 1997. Thanks especially to all of those who agreed to be interviewed, to those who helped enrich the research experience, and to those whose friendship endures today.

I also wish to thank the people at Syncrude, Suncor, and in the federal and provincial government offices who participated in this project.

Last, but by no means least, I thank my husband and my parents whose love and support has sustained me over the past six years. I thank my husband for having confidence in my abilities and for clipping out countless articles that he thought might be relevant to my work. I also thank my parents who assured me I could do anything that I set my mind to.

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Table of Contents

Chapter One

Introduction: The New Political Economy

1.0 Globalization and Neoliberalism 1
1.1 Does Globalization Affect Aboriginal Self-Determination? 4
1.2 The Case Study 5
1.3 The Mikisew Cree First Nation 9
1.4 Study Design 16
1.5 Quantitative Data 21
1.6 Purpose of the Study 23
1.7 Chapter Description 25

Chapter Two

Neoliberalism and Governance: Defining Aboriginal Self-Determination

2.0 Introduction 28
2.1 Surveying the Field 28
2.2 "Aboriginal" or "Indian"? 30
2.3 "Self-Government" or "Self-Determination"? 35
2.4 "Self-Sufficiency" or "Self-Determination"? 40
2.5 "Self-Determination": Towards an Understanding 44
2.6 "Governance": Making the Neoliberalism/Self-Determination Connection . 45
2.7 Conclusion 50

Chapter Three

Theorizing State, Marketplace and First Nations Relations: Reconceptualizing Aboriginal Self-Determination

3.0 Introduction 52

3.1 The State, the Marketplace and First Nations 53

3.2 Neoliberalism and Self-Determination 61
3.2.1 Political Self-Government 62
3.2.2 Economic Self-Sufficiency 65

3.3 Social Explanations: Class 73

3.4 Conclusion 77

Chapter Four

Self-Determination and The Mikisew Cree First Nation: The Political Dimension

4.0 Introduction 80

4.1 Colonialism and the State: Laissez-faire 81
4.1.1 The Crown-MCFN Relationship: Laissez-faire 82
4.1.2 Interventionist Interlude 84
4.1.3 Return to Laissez-faire 87

4.2 Post-WWII: Expansion and Intervention 92
4.2.1 The Crown-MCFN Relationship: Northern Development 93
4.2.2 The Indian Agent 95
4.2.3 Preserving the Status Quo 99

4.3 Post-TLE: Neoliberalism 100
4.3.1 The Crown-MCFN Relationship: Neoliberalism 101
4.3.2 Resource Development and the TLE 105
4.3.3 MCFN After The TLE 113

4.4 Modern MCFN Governance 116
4.4.1 Health 125
4.4.2 Housing 132
4.4.3 Education 138

4.5 Conclusion 142

Chapter Five

Self-Determination and The Mikisew Cree First Nation: The Economic Dimension

5.0 Introduction 147

5.1 The Fur Trade: Market Penetration 148
5.1.1 The Fur Trade: Roots of MCFN Market Participation 149
5.1.2 Decline of the Fur Trade 153

5.2 Postwar Era: From Fur to Oil 155
5.2.1 Northern Development and MCFN-Market Participation 157
5.2.2 Dependency and MCFN 161
5.2.3 Social Assistance and Social Problems 163

5.3 Globalization: Shifting State-Market and Resource-based Relations 165
5.3.1 TLE: Reviving MCFN-Market Participation 167
5.3.2 Post-TLE Economic Development 171
5.3.3 Resource-based Economic Development 177
5.3.4 Social Problems and Social Enhancement 186

5.4 Conclusion 191

Chapter Six

Conclusion: Towards An Understanding of Aboriginal Governance

6.0 Research Contribution 193

6.1 Contemplating the Implications of Globalization for Self-Determination .. 197

6.2 The Mikisew Model 198
6.2.1 Money 199
6.2.2 Geography 202
6.2.3 Industry 203

6.3 A New Category for Analysis: "Have" and "Have Not" First Nations 205

6.4 Future Research Directions 207
6.4.1 The Gender Dimension 208
6.4.2 Federalism 209
6.4.3 Comparative Potential 210
6.4.4 Measuring Change 211

6.5 Final Thoughts 212

Bibliography 213

Appendices 231

List of Figures

Figure 1: Historical Indian Treaties 7

Figure 2: Aboriginal Groups in Northern Alberta 12

Figure 3: Wood Buffalo National Park 91

List of Appendices

A: MCFN Self-Government Membership Information Package 231

B: MCFN Letter of Support.....239

C: Research Letter 241

D: List of Interview Questions 242

E: Summary of MCFN Governance Transformation Pre- and Post- TLE (1986).....244

List of Selected Abbreviations
(listed alphabetically)

ABDI	=	Aboriginal Business Development Initiative
ABC	=	Aboriginal Business Canada
ACFN	=	Athabasca Chipewyan First Nation
ADCS	=	Athabasca Delta Community School
CFA	=	Comprehensive Funding Agreement
CFNFA	=	Canada-First Nation Funding Agreement
CMHC	=	Canadian Mortgage and Housing Corporation
FNIHB	=	First Nations and Inuit Health Branch
HBC	=	Hudson Bay Company
IEA	=	Indian Education Authority
INAC	=	Indian and Northern Affairs Canada
KFN	=	K'atlodeeche First Nation
MCC	=	Mikisew Capital Corporation
MCFN	=	Mikisew Cree First Nation
MSB	=	Medical Services Branch
MSD	=	Mistee Sepee Development
NEP	=	National Energy Program
NLRHC	=	Northern Lights Regional Health Centre
NRTA	=	Natural Resources Transfer Act
NSD	=	Northlands School Division
NWC	=	North West Company
WBNP	=	Wood Buffalo National Park

Chapter One

Introduction: The New Political Economy

1.0 Globalization and Neoliberalism

Globalization has become a common term used in both corporate and political circles to describe contemporary economic, political and even social phenomena. It is a concept that forms part of the climate of ideas that include the information society, late capitalism, post-modernity, the end of state sovereignty, and the end of democracy. It is a phrase that best describes the new political economy because it captures the process in which markets are opened up for unfettered trade and the accompanying internationalizing of production. While most of the rhetoric associated with globalization privileges its economic component, I agree with Hirsch that globalization should not be exclusively seen as an adherence to an economic 'logic' or some sort of natural tendency of a market economy. Rather, as he suggests, "globalization should be understood as a decisive political strategy aimed at the restructuring of postwar capitalism in terms of its economic, social and political dimensions."[1] This is because globalization is not only an economic force but is also a political force, being closely wedded to neoliberalism.

Neoliberalism is a form of classic liberalism. It is defined as a movement toward laissez-faire capitalism in the global system.[2] It is a description of the contemporary economic and social role of government. It is a set of political principles that privilege

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1 Joachim Hirsch, "Globalization of Capital, Nation-States and Democracy," *Studies in Political Economy* 54 (Fall 1997), 41.

2 Thomas Klak, *Globalization and Neoliberalism: The Carribean Context* (Maryland: Rowman and Littlefield Publishers, 1998), 17.

policies designed to attract mobile international capital. It connotes hostility to government intervention, expressed through the "shrinkage of state regulation and protections, privatization, and anti-welfare."[3] In short, it is a doctrine that, under the rubric of globalization, has changed our "common sense notions" of the government-market-citizen relationship.[4] In the current phase of capitalism, it is in fact neoliberalism that creates an environment conducive to market systems and the reproduction of capital. In Canada, as in other nation-states around the world, political actors are taking advantage of the restructuring of production and trade and of the interstate system by pressing for the decentralization, if not the dismantling, of national institutions.[5] For example, different provincial and federal governments have, in the past two decades, "prioritized deficit reduction over employment and infrastructure development and have continued to attack social welfare programs and system of federal-provincial cost-sharing that was built up piecemeal in the postwar years."[6] What is evident therefore is that neoliberalism leads to profound changes to the welfare state.

With the emergence of world trade organizations, the demise of national social programs and the pervasive preoccupation with efficiency and competitiveness, it is easy to conclude that the welfare state is a relic of the past.[7] The "new political economy,"

---

3 Ibid.

4 Janine Brodie, *Politics on the Margins: Restructuring and the Canadian Women's Movement* (Halifax: Fernwood Publishing, 1995), 13.

5 Gregory Albo and Jane Jenson, "Remapping Canada: The State in the Era of Globalization", in Wallace Clement, ed., *Understanding Canada: Building on the New Canadian Political Economy* (Montreal & Kingston: McGill-Queen's University Press, 1997), 218.

6 Brodie, *Politics on the Margins*, 18.

7 Liora Salter and Rick Salter, "Displacing the Welfare State," in Wallace Clement, ed., *Understanding Canada: Building on the New Canadian Political Economy* (Montreal & Kingston: McGill-Queen's University Press, 1997), 311.

another phrase that captures the many dimensions of globalization, has altered the postwar social order where states prioritized spending, either through expenditures on services or through cash-transfer expenditures. The logic behind state spending was to offset loss in private incomes during periods of heavy unemployment and to effect a more equitable redistribution of wealth. According to Bakker and Scott, the Keynesian welfare state "was to be a central instrument of fiscal policy in realizing the goal of continuous stable development."[8] During this period, the Canadian welfare state functioned as a mechanism to compensate for the discrepancies of capitalism; most obviously it muted distributional conflicts among capital, labour and regions.[9] It worked to balance out the fluctuations in the market. But if social spending and state intervention characterized the postwar political economy, fiscal restraint and laissez-faire economics characterize the new political economy. As Janine Brodie explains, in the new global order the neoliberal orthodoxy puts the same demands on all governments, both national and sub-national; that they eliminate their debts, stop regulating business, sell off all their assets to the private sector and dismantle the welfare state all in order to be more competitive in the international market.[10] This is significant because the elements of redistribution, representation and equity that characterized the welfare state and that dominated the postwar era have been replaced in the new political economy by a regime of privatization and market privilege.

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[8] Isabella Bakker and Katherine Scott , "The Post-Liberal Keynesian Welfare State," in Wallace Clement, ed., *Understanding Canada: Building on the New Canadian Political Economy* (Montreal & Kingston: McGill-Queen's University Press, 1997), 287.

[9] Keynes advocated the extension of the role of the state to correct the failings of the market.

1.1 Does Globalization Affect Aboriginal Self-Determination?

In light of the changes that are occurring, what is it about globalization that leads one to think it affects self-determination? It is within the global context that state policy becomes of marked importance. As public policy is revised in ways that make states more competitive in the new political economy, globalization provides the rationale for neoliberal governance. While globalization justifies neoliberalism, they share similar characteristics. According to Klak, they function as "twin processes, at both ideological and empirical levels. That is, they strongly overlap in terms of intellectual roots and the patterns that emerge in the role of governments and the nature of international economic activity."[11] It is this overlap that leads to the misconception that state actions reflect global imperatives when the opposite is often true.

As neoliberalism favours a system of policies and processes designed to assist the marketplace, Aboriginal self-determination plays an important role. To understand how Aboriginal self-determination forms part of the broader project of neoliberal change in Canada and to understand how neoliberalism is shaping the political and economic relationships of First Nations, this dissertation asks: Does neoliberal governance significantly alter the state-First Nation relationship? As neoliberalism privileges the marketplace, does it alter the market-First Nation relationship? Put simply, how does neoliberalism affect self-determination? As this project searches for answers to these questions it argues that current support for Aboriginal self-determination reflects the

---

[10] Janine Brodie, "Meso-Discourses, State Forms and the Gendering of Liberal-Democratic Citizenship," *Citizenship Studies* 1:2 (1997), 223-224.

[11] Klak, *Globalization and Neoliberalism*, 19.

historic and continuing need for the Canadian state to exploit resources and its similar need to clear away political-legal obstacles for capitalist development. It further argues that the political economy of Aboriginal self-determination reflects the neoliberal logic that the well-being of First Nations in the new economic order is a function of their ability to compete as autonomous, self-governing and self-sufficient entities in the global marketplace, rather than as wards of the state.[12] This means that the path to self-determination, "the future for Aboriginal people is to set up businesses to run their own affairs."[13]

The shift towards a new form of political economy, and corresponding shift to a new form of colonialism, neocolonialism, reveals new models of Aboriginal governance.[14] The task of this dissertation, therefore, is to demonstrate the ways in which Aboriginal governance is transformed and the ways in which it functions in the new political economy.

1.2 The Case Study

To understand how the political economy of Aboriginal people is changing it is important to know how political and economic structures functioned previously. To effectively tell the story of what has happened, I have chosen to focus my investigation on one

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[12] Contemporary Aboriginal policy focuses on (1) land claims; (2) the transfer of programs; and (3) the renegotiation of the Federal-First Nation governance and fiscal relationship.

[13] Provincial Government Representative, *Interview with author no. 25* (Edmonton, AB: May 11, 2000), 19.

[14] Where colonialism in its imperialist form had a relationship of direct political domination, neocolonialism in its new imperialist form (globalization) has a relationship of direct corporate/capitalist domination, which perpetuates not just economic but also cultural and political domination. See Howard Adams, *A Tortured People: The Politics of Colonization* (Penticton, B.C.: Theytus Publishing, 1995), 155 and 157.

community, the Mikisew Cree First Nation (MCFN). By examining its experiences it is possible to generate insight into how, why and in what ways MCFN governance has changed in the new political economy. To set the stage for this analysis, it is important to recognize that MCFN was a signatory to Treaty 8 in 1899. A component of Treaty 8 was the promise that lands would be set aside for the exclusive use of MCFN (not to exceed one square mile for each family of five or 128 acres for each person). However, the Government of Canada did not keep this promise and failed to provide any land promised to MCFN in the years immediately following the signing of Treaty 8.[15] At the time failure to assign land was of no serious consequence since MCFN did not want to be "parked on reserves."[16]

In 1922 MCFN first asked for reserve lands when the traditional economy and way of life began to be threatened but its request was denied. In following years, MCFN petitioned the federal government on numerous occasions for reserve lands but its appeals were ignored, dismissed or thwarted.[17] MCFN efforts were blocked, for instance, by federal changes to the *Indian Act* in 1927 that made it illegal for bands to raise funds for land claims without the permission of the Indian Affairs department.[18] Eventually, the opportunity to negotiate a Treaty 8 land claim moved from dream to reality in the 1970s when the federal government announced a new era of negotiation. At that time, in 1972,

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15 Rene Fumoleau, *As Long As This Land Shall Last: A History of Treaty 8 and Treaty 11, 1870-1939* (Toronto: McClelland and Stewart Limited, 1976), 72-73.

16 Ron Selin, *Into the New Millenium, Our Story: The Mikisew Cree First Nation* (Edmonton: Western Communications, 1999), 14.

17 MCFN claims that it first asked for its reserve lands in 1922 and in the following 64 years it made 40 more requests to Canada to "make good on its promise" but the Treaty land entitlement remained outstanding until its resolution in 1986. See Selin, 16.

18 This prohibition remained in effect until it was repealed in 1951.

MCFN put forward its claim for a Treaty Land Entitlement (TLE). This study focuses on the eventual resolution of the MCFN claim, upon which its political and economic transformation is predicated.

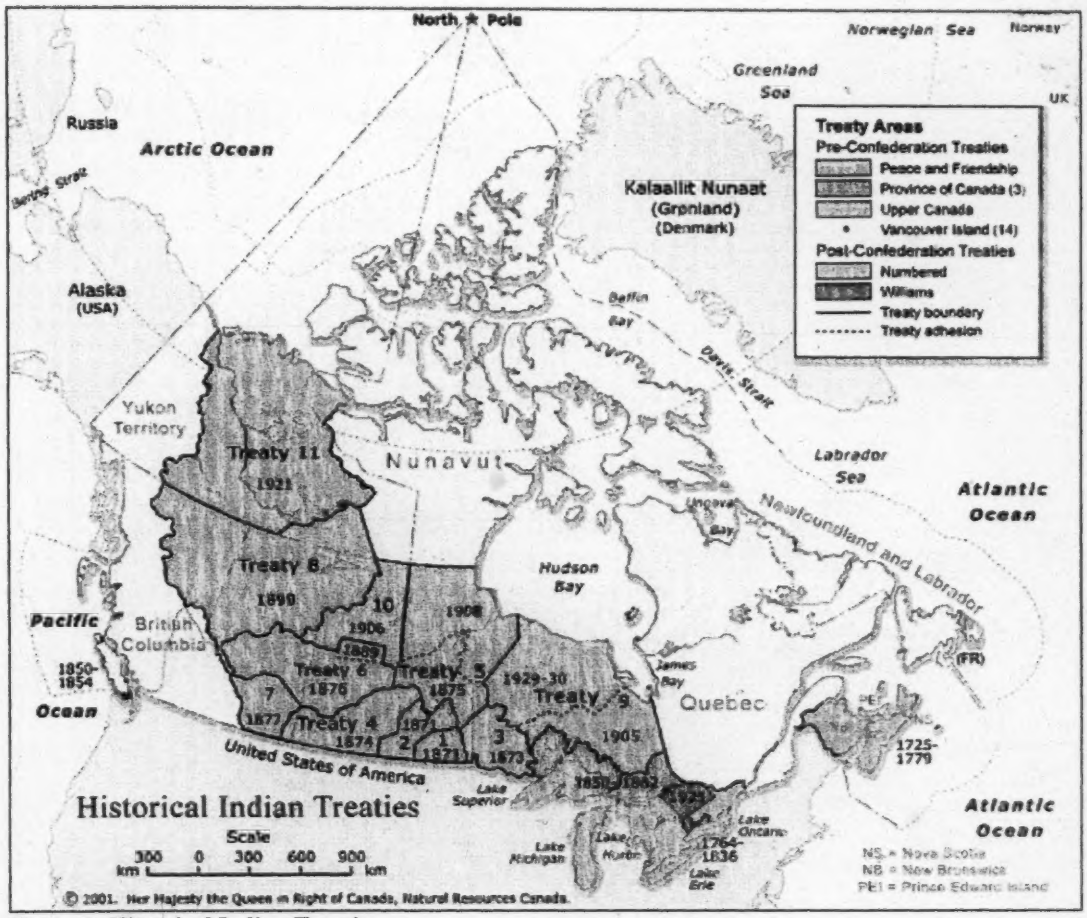

Figure 1: Historical Indian Treaties

A TLE is a "process by which an Aboriginal group acquires the full amount of land to which it is entitled but never received as a result of signing a treaty."[19] A TLE is a type of specific claim. Specific claims are the result of an oversight or shortcoming of the Government of Canada in the administration of land or the fulfillment of treaties.[20] They differ from comprehensive claims which occur in areas where no treaties existed previously. In the case of MCFN, its grievance fell into the specific claim, TLE category. After fifteen years of negotiations with the Government of Canada and the Province of Alberta in 1986 MCFN signed a TLE, an historic and transformative agreement. The TLE awarded MCFN 12,280 acres of land and $26,600,000. The Government of Alberta contributed the land and $17,600,000 while the Government of Canada contributed $9,000,000. Land allocation included nine reserve sites, including one in the west end of Fort Chipewyan known as Doghead, one to the northeast and one at Peace Point in Wood Buffalo National Park (WBNP). The TLE also included hunting and trapping rights and re-affirmed 3 million acres in the southern portion of the park.

A turning point in the story of MCFN, the TLE represents a watershed in the evolution of self-determination for MCFN. It also indicates a connection between MCFN and the new political economy. If globalization requires a stable investment environment to generate economic growth, then the resolution of land claims, like the TLE, forms an

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[19] Thomas Isaac, *Aboriginal Law: Cases, Materials and Commentary* 2nd ed. (Saskatoon: Purich Publishing, 1999), 127.

[20] Examples of specific claims include a breach of obligation arising from government administration of lands or assets, or illegal disposition of land. Non-compensation for reserve lands taken or damaged, and fraud in connection with the disposition or acquisition of reserve lands by the federal government may also give rise to a specific claim." Isaac, *Aboriginal Law*, 125.

important part of the neoliberal strategy as it creates an environment conducive to investment, required for all-important resource development, by clarifying issues of land title and resource ownership. Additionally, as neoliberalism involves the decentralization of programs and services, the TLE, by virtue of providing MCFN with a land base, makes it easier for government to off-load control for band-related political and economic matters. To demonstrate how neoliberalism has affected MCFN more specifically it is important to compare degrees of government authority and the state of its economy both before and after the TLE. To that end, this project considers whether or not institutional authority, particularly the oversight of the federal department of Indian and Northern Affairs Canada (INAC), has changed. It also considers the extent to which the market-Aboriginal relationship has changed. To achieve this goal, this study presents the story of MCFN, an important and invaluable case study in light of its rich history, its economic achievements and its political aspirations. Given the changes it has experienced in this latest era of remarkable political and economic change, the primary value of the MCFN case study is its ability to generate answers to key research questions. This is necessary to develop a cogent theory of self-determination as it unfolds in this era of globalization.

1.3 The Mikisew Cree First Nation

Before proceeding any further, it is important that the reader be provided with some important, basic background information. Geographically, MCFN is located in the north-eastern corner of Alberta. The village of Fort Chipewyan, a village that borders the north shore of Lake Athabasca, represents the most northern community in Alberta. Only

accessible by plane, boat or winter road this isolated community is predominantly a Native community, composed of three distinct Aboriginal groups: the Woodland Cree (Mikisew Cree First Nation or MCFN), the Denesolene (Athabasca Chipewyan First Nation or ACFN) and the Metis (Fort Chipewyan Metis Local #124).

From the beginning the fur trade was the reason for Fort Chipewyan's existence. The North West Company (NWC) originally built Fort Chipewyan in 1788 as an inland post from which all trade in the area was conducted.[21] The Mikisew Cree, descendants of the Woodland Cree, migrated to this area to trap fur when the region was the focus of the trade economy. In 1821, Fort Chipewyan became the Hudson's Bay headquarters for the entire Athabasca region. During this period, MCFN retained its bush culture, only going to Fort Chipewyan in the spring and fall for trade and provisions (guns, traps and other manufactured necessities) or to attend religious activities. Its economy thus combined subsistence activities and commercial trapping.

In 1899, upon the discovery of natural gas, oil and gold in the Athabasca region the federal government began to negotiate Treaty 8 with the Aboriginal people in the region. The treaty was significant because it established the foundation for the legal relationship between MCFN and the state. Almost 325,000 square miles, the territory included under Treaty 8 was larger than the previous treaty areas. It incorporated all the

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[21] Sources of Mikisew history include: Joseph R. deCardinale, *Fort Chipewyan: A Community Profile and Attitude and Perceptions, 1995-1996* (Fort Chipewyan: Mikisew Cree First Nation, 1996); Rene Fumoleau, *As Long As This Land Shall Last: A History of Treaty 8 and Treaty 11, 1870-1939* (Toronto: McClelland and Stewart Limited, 1976); Patricia MacCormack "How the (North) West was Won" (Diss.: University of Alberta, 1984); and Ron Selin, *Into the New Millenium, Our Story: The Mikisew Cree First Nation* (Edmonton: Western Communications Ltd., 1999).

lands from Lesser Slave Lake in the south to Great Slave Lake in the north. It extended west to the Peace River country and east to Fond du Lac on Lake Athabasca. During the negotiations, MCFN Chief Marten worried about the freedom to hunt and trap and education for the children. Chief Marten wanted to ensure that his people could remain self-supporting either in traditional or alternative pursuits. In the end, Treaty 8 included annuities at $5.00 per person, medals and flags, health care and education provisions, and exemptions from all forms of taxation and military service. It recognized and affirmed MCFN freedoms to hunt and trap. Despite the formalization of their legal relationship, there was little interference by the federal government in the affairs of MCFN during the post-treaty years, thus enabling MCFN to retain its independence.[22] This non-intervention was not surprising given the laissez-faire ethos that dominated the period. However, in the postwar era, when the federal government entered a new phase of interventionism, it began to build the social safety net on which MCFN members became increasingly dependent.

MCFN members lived in bush settlements well into the 1950s at which point it became increasingly difficult to live off the land. With hunting and trapping resources dwindling and the decline of the fur trade many began to move into the town of Fort Chipewyan where they found developing infrastructure and social assistance. In the ensuing phase of social and economic change, INAC installed its own systems to support

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22 See: Patricia MacCormack "How the (North) West was Won" (Diss.: University of Alberta, 1984).

1 - Athabasca Chipewyan First Nation
2 - Beaver First Nation
3 - Bigstone Cree Nation
4 - Chipewyan Prairie First Nation
5 - Dene Tha' Nation
6 - Driftpile First Nation
7 - Duncan's First Nation
8 - Fort McKay First Nation
9 - Fort McMurray #468 First Nation
10 - Horse Lake First Nation
11 - Kapawe'no First Nation
12 - Little Red River Cree Nation
13 - Loon River Cree Nation
14 - Lubicon Lake Band (No Reserve)
15 - Mikisew Cree First Nation
16 - Sawridge First Nation
17 - Smith's Landing First Nation
18 - Sturgeon Lake Cree Nation
19 - Sucker Creek Band
20 - Swan River First Nation
21 - Tallcree First Nation
22 - Whitefish Lake First Nation (Atikameg)
23 - Woodland Cree First Nation

Figure 2: First Nation Groups in Northern Alberta

the changing economy and lifestyle in the region. During this time, the hamlet of Fort Chipewyan essentially became a large reserve as development typically associated with a reserve (i.e. health services, housing, educational institutions, band offices, water and sewage management, building of roads, etc.) took place within the settlement. Over time the RCMP barracks (1978) and roads (1978) were constructed, the nursing station (1958) and water and sewage systems (1982) were all built in and around the town site of Fort Chipewyan.[23] For MCFN, this meant that infrastructure development did not occur on their reserved lands but within the town itself.

Within the community of Fort Chipewyan today, MCFN represents the dominant demographic group in the community. In 1996, the federal census identified a total population of 1057 living in the Fort Chipewyan region. This number includes 938 people as residents of the hamlet of Fort Chipewyan, 115 members living on Dog Head reserve (a Cree reserve adjacent to the townsite) and an unspecified number living on the newly developed reserve of Allison Bay.[24] Local organizations believe however that the federal census underestimates the local population. According to MCFN, the Fort Chipewyan population was 1,330 in 1994.[25] Included in this 1994 number were 870 members of the Mikisew Cree First Nation, 180 members of the Athabasca Chipewyan

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[23] deCardinale, Joseph, "Chapter One: History of Fort Chipewyan", *Fort Chipewyan: A Community Profile and Attitude and Perceptions, 1995-1996* (Fort Chipewyan: Mikisew Cree First Nation, 1996).

[24] According to the 2001 Census, 111 people live on the Allison Bay reserve and the numbers on Dog Head have declined, from 115 to 93.

[25] Stuart Adams, *Fort Chipewyan: Way of Life Study: Summary Report* (Vancouver: Stuart Adams & Associates, 1998), 4.

First Nation (ACFN), 230 Metis and 50 others (ex. teachers, nurses, police).[26] MCFN maintains there are approximately 2000 band members with 950 living in the Fort Chipewyan area and the remainder living in Fort McMurray and Edmonton.[27] These numbers hover close to INAC figures that place the registered population in June, 1999 at 2082 and in April 2001 at 2195.[28]

In terms of administration, MCFN is governed by a democratically elected Chief and Council for a term of three years. As a band government, it provides *Indian Act* governance that includes the administration of membership, public finance, public works, economic development, social services, child care and housing services. It is working towards self-government that would broaden its governance over all human and land services. Self-government for MCFN means a "stand alone" government with the powers to make laws, manage lands, exercise jurisdictional authority, all under a constitution designed to guide its own activities. To facilitate the realization of its self-government ambitions, increased autonomy and jurisdiction is sought over reserve lands, traditional lands (primarily located in Wood Buffalo National Park) and over commercial activities and properties in the hamlet of Fort Chipewyan. The dream of self-government, articulated in a "Self-Government Membership Information Package" (Appendix A), includes aspirations for increased powers similar to those of a province.

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[26] Population estimates were provided by Membership Clerks of the Mikisew Cree and Athabasca Chipewyan First Nations, the Metis Association of Fort Chipewyan and by Improvement District Number 18 North.

[27] Selin, *Into the New Millenium*, 6.

[28] See the Department of Indian Affairs and Northern Development profile of Mikisew at http://sdiprod2.inac.gc.ca/FNProfiles/FNProfiles_DETAILS.asp?BAND_NUMBER=461

MCFN receives a block of funding from the federal government of approximately $25.7 million every five years. Over and above the federal government's fiscal contribution to its operations, programs and services, MCFN has a net worth of over thirty-five million dollars that is increasing at an average annual rate of seven percent.[29] Collectively, the business interests of MCFN employ close to two hundred people, which translates into an annual impact on the local community of roughly five million dollars.[30] In addition, MCFN sits immediately north of Fort McMurray, home of the world famous tar sands (known more commonly as the oil sands), a multi-billion resource extraction site that forms an integral part of the oil and gas industry driving the Alberta economy and from which MCFN derives other economic benefits. This means that MCFN has a significant capital base from which to pursue and operate self-government.

The history of MCFN is, in fact, the conclusion of a series of historical events influencing, persuading and forcing its development.[31] But it is not only the past that can be traced to external events and influenced development, but also the present. The recent shift in the organization of the international political economy and the development of the neoliberal state has greatly influenced and changed MCFN, in particular over the past twenty years (1983-2003). This is the period in which the case study is rooted. As the political and economic history of Fort Chipewyan is well documented, I have chosen to

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29 deCardinale, *Fort Chipewyan*, b-6.
30 Ibid.
31 deCardinale, *Fort Chipewyan*, a-39.

investigate the political economy of MCFN as it passes through the latest phase of development.[32]

1.4 Study Design

The political economy of MCFN has been noticeably transformed since the TLE. This provides a compelling reason for the selection of MCFN as a case study. The case study format is useful because it provides a way to gather information that is exploratory, explanatory and descriptive. The purpose of this case study is to generate insight into the events and experiences of an Aboriginal community. The focus on MCFN ensures relevant and enlightening information will be provided. Questions asked about the MCFN relationship with the state and resource developers further assist in this task. This method of research is appropriate because it provides an in-depth and up-close study of a First Nation. It illustrates ways in which MCFN has responded to neoliberalism and explores its perspective on the impact of progress and change on its political and economic development. Through this format, a more comprehensive understanding of the self-determination experience is proffered.

Another reason I chose to investigate the experiences of MCFN was the access I was able to secure to people and resources. While many researchers are non-native (myself included) I am fortunate to have lived in and worked with this band for a brief period of time. Originally hired for a summer position by the First Nations Resource Council and placed in the organization of MCFN in 1997, my connection to the community endured beyond this period. Over the past six years, I have returned to the

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[32] See Patricia MacCormack, *How the (North) West was Won* (Diss.: University of Alberta, 1984).

community on numerous occasions as well as participated in other community related events (e.g. personal meetings, regional conferences and legal proceedings). Being involved in the community and having an ongoing relationship with MCFN enabled me to earn a degree of trust. As a result, I was able to gather information through interviews and observations as well as through the practical experience of community living. An attribute of this study therefore is the mutual familiarity that assured access to personnel, documents and resources.

In light of my relationship with MCFN I was invited into the community to conduct research specific to this study (Appendix B). Before research could begin, however, this project required ethical approval because human subjects were involved. Accordingly, the research design and methodology for this study were presented to the Department of Political Science (University of Alberta) during the dissertation proposal defense in the fall of 1999. They were subsequently presented to the Faculty of Arts Ethics Committee at the University of Alberta where approval was granted also in the fall of 1999. Finally, a presentation was made to the MCFN band council in the spring of 2000 where final permission was given to conduct research. The point of receiving these approvals was to ensure that the research would be conducted in an ethical and sensitive manner.

Primary research for this dissertation was designed to collect new and original information from which an understanding of Aboriginal self-determination could be constructed. To achieve this objective, research was conducted in northern Alberta, in Fort Chipewyan, Fort McMurray and Edmonton. The focus of research was on MCFN

and its relationship to Syncrude Canada Ltd. and the federal (and to a lesser extent provincial) government, pre- and post-TLE. Given its focus, this study relies on the views and opinions of those who were selected and who agreed to participate in this investigation. In this study, interviews were used to ascertain individual impressions as to how state retrenchment and resource development are affecting MCFN self-determination. While quantitative analysis allows aggregate trends to be drawn from information collected, the aim of this research was to concentrate on the knowledge, understanding and experiences of individuals. In addition, a recent survey had been conducted in the community that had generated a significant amount of quantitative data. To avoid duplication and to secure the answers to more direct and specific questions, an interview format was chosen.

In terms of gathering evidence, I relied on face-to-face and telephone interviews. I chose this form of survey research because it is an excellent method for the collection of original data, consistent with my goal of providing a unique empirical basis from which to develop an understanding of self-determination in the new political economy. Additionally, the one-on-one interview design allowed me to gather a lot of information that would not necessarily be provided in a mailed questionnaire. Interviews were conducted over a three-month period with a total of thirty-two people being interviewed. This group included nineteen members from MCFN, eight government officials (four federal and four provincial) and five representatives from the oil sands companies.[33] Since my goal was to get a wide, representative sample of viewpoints, constituents from

the four main sectors (MCFN, government – federal and provincial- and industry) were selected to participate in this study. Though most MCFN interview candidates were pre-selected, some interviews resulted from chance encounters and some were suggested by other members (also known as the "snowball" effect). To clarify, MCFN members were largely chosen by virtue of their position within the band though some pre-selected subjects suggested I interview other members who could provide alternative perspectives. The result was a diverse group of subjects that include MCFN elders and youth, men and women, from both reserve and off-reserve. Therefore this case study combines both pre-selected and randomly chosen interview subjects which assist in ensuring that no single interest or viewpoint dominates this study. Similarly key corporate representatives and government actors were selected, largely by virtue of their position in government or industry, many of whom offered opinions or insights that included criticisms of the neoliberal agenda.

Interview subjects involved in the study were provided a one-page document at the beginning of the interview that fully disclosed the purpose and intent of this research project (Appendix C). No one interviewed was asked to sign any document or consent form. Instead, as the primary investigator, I provided each interview subject with a document that outlined their rights, which included the right to stop or discontinue the interview at any time. It also guaranteed them privacy, confidentiality and anonymity. To that end, the identity of those interviewed will not appear anywhere in this document.

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[33] When contacted about my research project, Syncrude responded by providing me a schedule of interviews which granted me access to a series of senior officials.

Anonymity is protected as interviews are identified only by a randomly assigned number that has no meaning to anyone except to the author.

Each interview took a different amount of time, ranging anywhere from half an hour to three hours or more in duration, with total time for interviews reaching thirty-five hours. The telephone interview only occurred in one instance where the subject had been unable to make a scheduled interview appointment and wanted to contribute to the project. Generally, I was able to observe the interview subjects in a variety of different environments as well as assess any reactions to the questions used to guide the interview.[34] The list of questions developed was also intended to guide the research and ensure that I was consistent in the type of question that was posed to each subject (Appendix D). Unfortunately, the list was not always useful as many people had very distinct opinions on events and wanted to speak freely and at length on their personal experiences, impressions and understandings. I felt that in these cases it was in the best interest of the interview and the research to dispense with the list of questions and let the interview unfold.

For the most part, interview candidates were very co-operative and thoughtful in their answers. Though no one directly refused to be interviewed, a few people did miss scheduled appointments and others were short and abrupt in their responses. When it was clear that a respondent was uncomfortable, I kept the interview brief. While I taped most of the interviews, some people spoke more freely when the tape recorder was off. These conversations were recorded in a journal that I kept during this period. I kept this journal

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[34] When requested, a list of questions was provided to the interviewee prior to the interview.

to detail my observations regarding the interview subject, the location or surroundings of the interviewee and the interview itself. The only purpose of the journal was to supplement the interview information itself and to assist me in recollecting relevant material.

As the sole researcher, it is my responsibility to interpret the information gathered and answer the research question. To that extent, I have done my best to recognize and set aside my preconceptions and have striven for objectivity. While no research can be entirely objective, as everything is inherently subjective, the fact that this research relies on the perspectives of many assists in achieving that goal.

1.5 Quantitative Data

Quantitative data for this project was gathered from many sources. Studies that profile MCFN provided valuable data and historical information. In addition, government reports, both provincial and federal, and corporate literature provided additional sources of information for this study. Scholarly journals, newspaper articles and websites were used to provide an external view of Aboriginal self-determination in the current climate.

For statistical data, in particular demographic-oriented information, I relied on a variety of sources, including Statistics Canada census figures. However, according to Statistics Canada "there was *significant error* introduced in the Census [1996] because of problems in fully covering the Aboriginal population."[35] Furthermore, despite petitions to band and INAC personnel for more accurate data, it appears that data on MCFN are

severely lacking. To a large extent, statistical data on MCFN are absent because it did not classify as a study group (since they did not live on reserved lands) prior to 1986. Given the surprising lack of information it has on First Nations, the federal government recently introduced a new bill that would include the creation of a First Nations Statistical Institute whose mandate would be to fill the current gap in reliable data on First Nations populations.[36] According to Tom Bressette, Chief of the Kettle and Stony Point First Nation in southwestern Ontario, the Institute is important because, as he points out, "there's no reliable data on first nations [sic]."[37] Hence, statistics on Aboriginal unemployment, homelessness and housing which are important indicators to determine funding and legislation are not currently available.

In light of the glaring lack of statistical information available at government (federal and provincial) levels, I rely on survey data retrieved from other sources. For instance, in 1996 Joseph deCardinale prepared a Community Profile of Fort Chipewyan for Suncor, another oil sands producer in the region.[38] The profile, initiated in October 1995, had two objectives. The first objective was to develop a comprehensive socioeconomic community profile. In that regard, it enumerates human services, community infrastructure, demographics, employment trends, levels of education, and so forth. The second objective involved identifying the prevailing attitudes and perceptions

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35 Joan Kendall, "Circles of Disadvantage: Aboriginal Poverty and Underdevelopment in Canada," *American Review of Canadian Studies* 31:1&2 (2001), 43.As a result, their information forms only part of the statistical information available on Mikisew and on Fort Chipewyan.

36 Kim Lunman, "New bill calls for native institutes," *Globe and Mail* (December 3, 2002), A10.

37 Ibid.

38 Suncor is another oilsands producer, like Syncrude. Again I refer the reader to : Joseph deCardinale, *Fort Chipewyan: A Community Profile and Attitude and Perceptions, 1995-1996* (Fort Chipewyan: Mikisew Cree First Nation, 1996).

of MCFN to Suncor. The overarching aim of the survey was to determine the general relevancy of local labour to the oil sands industry and the importance of the oil sands industry to the local economy. Information collected for this project is extensive and comprehensive and as a recent survey, it remains a valuable resource for this case study.

Due to the overall deficiency in statistical information and data, this research is primarily qualitative. Where it is possible quantitative data are provided. Otherwise, my observations and interview material remain critical in assisting me to better understand the relationships that exist between neoliberalism and the political and economic changes that have occurred within MCFN.

1.6 Purpose of the Study

The purpose of the study is twofold: first, academic and second, practical. To elaborate, Wotherspoon and Satzewich maintain that research on Aboriginal people tends to be dominated by those whose motivations for research center on the need to identify the "Indian problem." They identify three key foci of research: first, those of an assimilationist orientation who aim to facilitate the entry of Aboriginal people into mainstream society. Next there are those who aim to facilitate the retention of cultural patterns. Finally there are those who aim to expose past and present injustices and oppression.[39] What distinguishes this research, therefore, is the fact that I do not ask or seek to identify a "problem" *per se*. Instead, this project traces the development of MCFN self-determination. It connects periods of global political economy to phases in

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[39] Terry Wotherspoon and Vic Satzewich, *First Nations: Race, Class and Gender Relations* (Scarborough: Nelson Canada, 1993) , i.

Aboriginal policy to demonstrate how state-market-MCFN relations have changed in the neoliberal era. While much research does not affect the conditions in which indigenous peoples live, this dissertation seeks to identify ways in which the struggles of other indigenous communities may or may not be explained through this case study. While any effort at categorization of First Nations is inevitably artificial, mapping self-determination is useful in charting new directions for the political economy and Aboriginal politics fields, a primary task of this dissertation.

Although the conclusions drawn from this research refer to the specific circumstances of one community, they are intended to provide guidance, where possible, to communities who may find themselves in a similar set of circumstances. As Linda Tuhiwai Smith explains, "the sharing of resources and information may assist groups and communities to collaborate with each other."[40] Moreover, the "spiritual, creative and political resources that indigenous peoples can draw on from each other provide alternatives for each other."[41] Smith concludes that sharing is beneficial since the survival of one community can be celebrated by another. Hence, a practical aim of this study is to share the experience of one community in hope that it may resonate in other northern communities and in other parts of the country where opportunities exist to promote economic, social and cultural sustainability through prudent and co-operative resource development. Specifically, it is expected that issues addressed in this research can assist other "resource-rich" communities since the challenge of sustainability is

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[40] Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples* (New York: Zed Books Ltd., 1990), 105.

[41] Ibid.

inseparable from the challenge of defining how First Nations relate to resource development.[42] For those communities without access to resources, this study may be of limited use. However, those communities without natural resources are not necessarily at a disadvantage since they may find other sources for economic development, thus enabling them to take advantage of new market opportunities in other ways.

Since the point of this research is to explain change and explore the political economy of self-determination, in no way should the research presented in this document be interpreted as judgments on any of the parties involved as the issues discussed here are equally pressing in other communities. Throughout, this study remains cognizant of the diversity that exists among Aboriginal people and their opinions even within the same First Nation. This diversity will not be reduced or limited by this research. Instead, it will increase as Aboriginal people express who they are and what they want through political and economic institutions. Even though such diversity does not yield easily to generalizations, they are the building blocks for any field of study.[43] Thus, I try to derive general conclusions from this study since insight that is generated from this study is intended to shed light on what self-determination looks like today.

1.7 Chapter Description

Having set out the context and framework for the dissertation in this chapter, I now move onto Chapter Two which reviews the literature of Aboriginal self-determination, its many

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[42] By "resource-rich" I refer to those communities operating on or near large-scale resource development projects.

[43] Frank Cassidy, "Aboriginal Governments in Canada: An Emerging Field of Study," *Canadian Journal of Political Science* XXIII:1 (March 1990), 99.

categories, understandings, uses and definitions of terms related to self-determination, including the terms Indian, Aboriginal, self-government and self-sufficiency. This chapter identifies Aboriginal self-determination as both a political and economic phenomenon that is connected to neoliberalism through the concept of governance. When framed in terms of governance, self-determination is not only about reforming institutions or reconfiguring Aboriginal-state relations, as the literature might suggest, but also is about developing new relationships and working towards new models of self-determination through market partnerships that are designed to improve socioeconomic conditions.

Chapter Three develops our theoretical understanding and conceptualization of Aboriginal self-determination in the new political economy. To that end, it suggests new ways of thinking about Aboriginal self-determination. It also suggests new categories of analysis which should be taken into account when trying to understand why self-determination occurs in the way that it does.

Chapters Four and Five investigate the political economy of Aboriginal self-determination by exploring the transformative experiences of MCFN in its two dimensions, political and economic. These chapters trace the evolution of the MCFN-market-state relationship to reveal the connection that exists between market demands, state policy and self-determination.

Finally, in Chapter Six, this dissertation concludes by contemplating ways in which MCFN functions as a model for self-determination. In the conclusion ways in

which this study represents a starting point from which other studies can be developed and from which important comparisons can be drawn are highlighted.

Chapter Two

Neoliberalism and Governance: Defining Aboriginal Self-Determination

2.0 Introduction

In this chapter I reflect upon the terms self-government and self-sufficiency to demonstrate that self-determination encompasses both of these elements. Furthermore, I explore the concept of governance and link it to self-determination and neoliberalism. The aim of this literature review is not only to summarize the many and sometimes contradictory positions on, and understandings of, self-determination but also to assist in making the case that it is unquestionably shaped by forces at play in the new political economy.

2.1 Surveying the Field

The field of Aboriginal literature that first appeared in the late 1960s burgeoned in the 1980s. Although it began when Aboriginal political struggles for self-determination first generated a body of literature, it is clear that the patriation of the constitution and subsequent attempts at constitutional reform have had a significant effect on the study of self-government. In fact, it can be argued that it was the constitutional decade that redirected Aboriginal policy research to focus on the meanings and implications of self-government. Since that time, many have contemplated self-government as an inherent right, as a constitutionally entrenched doctrine, as a matter of international law, as an instrument for assimilation and as a tool for survival, all of which provide for significant and interesting contributions to the field of Aboriginal literature.

Not long ago it was possible to argue that Aboriginal self-government had been analyzed in terms of a few, more or less, standard approaches to the matter.[44] Today, although the volume of literature has increased dramatically the number of approaches to the topic has not changed significantly.[45] What has changed is the political and economic climate in which these approaches are being contemplated. Yet analysis of the connection between these changes and Aboriginal self-determination remains elusive. In fact, nowhere in the political economy or Aboriginal literatures has a concerted effort been made to connect one to the other. There has been little exploration of self-determination in a way that connects it to shifts in the new economic order.

If analysis of the connection between neoliberalism and self-determination is lacking so too is a coherent understanding of the term self-determination. Confusion permeates the literature and the terms "self-government," "self-sufficiency" and "self-determination" are used inter-changeably. To clearly understand how neoliberalism affects self-determination, it is important to know first what is meant by Aboriginal self-determination. What follows is a terminology analysis, intended to guide the literature review as well as make a meaningful contribution to the literature by assigning a clear

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[44] Frank Cassidy and Robert L Bish, *Indian Government: Its Meaning in Practice* (Oolichan Books: Lantzville, B.C. and The Institute for Research on Public Policy: Kingston, 1989), xix. The main approaches they identify include the constitutional aspect (Hawkes, Asch, and Russell), institutions, process and policy (Weaver, Cardinal, and Dyck), Aboriginal empowerment (Little Bear, Boldt, Long, Ponting) and practical study (Bish and Cassidy, Cornell and Kalt). They fail to identify other approaches that existed at the time including those of Mel Watkins, Peter Usher and Michael Asch who explored issues of political economy, development and production.

[45] Aside from the number of authors/works that should be added to existing categories, one might suggest additional categories of Northern issues (Dacks, White, Purich, and Dickerson), Métis issues (Isaac, Adams, and Campbell), issues of gender (Green, Monture Angus) and political economy (Abele, Graham, Maslove).

meaning to these terms. This review seeks to provide clarity, from which to better understand the connection between neoliberalism and self-determination.

2.2 "Aboriginal" or "Indian"?

Before we can understand what is meant by "Aboriginal self-determination" it is first important to clarify what is meant by the term "Aboriginal."[46] A central difficulty in defining "Aboriginal" arises from the variety of interpretations and meanings the term has been awarded. While the terms "Aboriginal", "First Nations", "Indian", and "Indigenous" are sometimes used interchangeably to describe the same group of people, the fact remains that these are very different concepts and it is essential to make analytical distinctions between them.

The most obvious definition of the term "Aboriginal" can be found in s. 35 of the *Constitution Act*, 1982 where "Indians, Inuit and Métis" are all recognized as constituting "Aboriginal" people. Since the inclusion of s. 35 in the *Constitution Act, 1982* the term "Aboriginal" (sometimes found spelled "aboriginal") has come into common use and practice, embraced by authors, scholars and policy-makers alike.[47] Certainly one of the appeals of the term is that it includes three major groups who seek both land and political rights through a renegotiation of the traditional state-Aboriginal relationship. Upon a

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[46] For a clear outline/discussion of the difference in terms, see Francis Abele, "Understanding What Happened Here: The Political Economy of Indigenous Peoples," in Wallace Clement, ed., *Understanding Canada: Building on the New Canadian Political Economy* (Montreal and Kingston: McGill-Queens University Press, 1997), 119-120.

[47] I capitalize the word "Aboriginal" as I consider indigenous peoples as pertaining to specific nations within Canadian society and is thus a formal term of recognition similar to the terms "English" or "French" or "Spanish". I would also point out that "Aboriginal" is a term often associated with the original peoples of Australia. For example, I refer the reader to David Mercer, "Aboriginal Self-Determination and indigenous land title in post-*Mabo* Australia" *Political Geography* 16:3, 189-212.

cursory and random review of some titles of works in the field (in addition to a plethora of journal articles), it is also clear that Aboriginal is a term that has become most associated with the goal of self-government. For instance, Russell's study of the constitutional option for self-government that centres on the concept of Aboriginal people is titled *A People's Dream: Aboriginal Self-Government in Canada*.[48] Warry's study of the Nishnawbe communities, in the wake of the Report of the Royal Commission on Aboriginal People (RCAP), focuses on some of the obstacles that confront Aboriginal people as they try to wrestle control of their institutions away from the state.[49] Hylton's examination of the practical issues that must be addressed in moving towards self-government also centers on the concept of Aboriginal people.[50] Hawkes' numerous works and studies focus on the exploration of provincial, federal and Aboriginal roles in working towards effective self-government arrangements also indicate the utility of Aboriginal people as the basic category for analysis.[51] Finally, *Enough is Enough* is a book that reflects on the constitutional challenge of gender discrimination in the *Indian Act* and is subtitled *Aboriginal Women Speak Out*.[52] In sum, what all of these titles indicate is that, since 1982, when the term was set out in the constitution, "Aboriginal"

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[48] Dan Russell, *A People's Dream: Aboriginal Self-Government in Canada* (Vancouver: UBC Press, 2000).

[49] Wayne Warry *Unfinished Dreams: Community Healing and the Reality of Aboriginal Self-Government* (Toronto: University of Toronto Press, 1998).

[50] John H. Hyton, ed., *Aboriginal Self-Government in Canada: Current Trends and Issues* (Saskatoon: Purich Publishing, 1994).

[51] David Hawkes, ed., *Aboriginal people and Government Responsibility* (Ottawa: Carleton University Press, 1995); David Hawkes, *Aboriginal people and Government Responsibility: Exploring Federal and Provincial Roles* (Ottawa: Carleton University Press, 1989); and David Hawkes, *Aboriginal Self-Government: What Does It Mean?* (Kingston, ON: Institute of Intergovernmental Relations, 1985).

[52] Janet Silman, ed., *Enough is Enough: Aboriginal Women Speak Out* (Toronto: Women's Press, 1987).

people have become the focus of analysis. Despite the prevalence and preference for the term however terms like "Indian", "Métis" and "Inuit" have not disappeared from the lexicon as they identify specific groups of "Aboriginal" peoples.

Though it remains limited by the parameters of the *Indian Act,* 1876, the term "Indian" evokes notions of a federally-defined relationship, as set out in section 91(24) of the *British North America Act, 1867.* Authors Cassidy and Bish use the term "Indian" almost exclusively in their book, *Indian Government: Its Meaning in Practice,* to describe the practical manner in which Indian bands can be integrated into the federal system.[53] Leroy Little Bear, Menno Boldt and J. Anthony Long also use the term "Indian" in their book *Pathways to Self-Determination: Canadian Indians and the Canadian State* in which they present the "Indian" perspective on self-government and the related political, cultural, economic and social difficulties that must be faced.[54] These works remain of great value to the field because of their treatment and insight into matters directly dealing with Aboriginal self-government. They also demonstrate ways in which the term Indian, in lieu of Aboriginal, remains appropriate when addressing Indian-specific or colonialism-oriented issues. As Indians have an existing and historical relationship with the federal government, it is often easier to analyze the political and economic consequences of the Indian-state relationship, when contrasted to the more ambiguous relationship between the state and the Inuit or Métis.

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[53] See Cassidy and Bish, *Indian Government: Its Meaning and Practice* (Lantzville: Oolichan Books and Halifax: The Institute for Research on Public Policy, 1989).

[54] Leroy Little Bear, Menno Boldt and J. Anthony Long, eds., *Pathways to Self-Determination* (Toronto: University of Toronto Press, 1992).

In the case of the Inuit, formerly referred to as Eskimos, their remote Northern existence has meant that they have been historically ignored by the state. Their inclusion in s. 35 represented a significant advancement in the recognition of a state-Inuit relationship. For their part, the relationship between the Métis and the state has been highly attenuated and yet to be fully determined.[55] Despite their inclusion under the constitutional delineation of "Aboriginal" attention to Inuit and Métis issues in texts on Aboriginal matters is atypical. Focus on the Inuit is instead more often found in works concentrating on matters specific to the North. In contrast, Métis issues are more likely to be found within "Aboriginal" texts, but with much less emphasis, often only appearing in a designated chapter. For example, in David Hawkes' collection of essays on Aboriginal people and government responsibility only one author directly addresses the issue of Métis-state relations.[56] Interesting therefore is the fact that even though Aboriginal is a term that refers to three groups it is most often used to refer to one specific sub-group. In many cases, even though the term Aboriginal is used, the focus of discussion is explicitly on topics pertaining to "Indians."

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[55] Metis within the province of Alberta have been awarded land and related political rights.

[56] In the first edition of his book, *Self-Government in Canada* (1994) Hylton only dedicated one chapter to Metis issues. This was remedied in the second edition (1999) in which another chapter on Metis issues was added. Unfortunately, this example still supports the claim that Metis issues are under-examined within the Aboriginal literature. This may be due to the fact that Metis rights (e.g. to hunt and fish) have been limited and are only now receiving active judicial review. For example, two Metis men (Steve and Roddy Powley) are petitioning the Supreme Court of Canada for increased recognition of their Aboriginal rights. If the court rules in favour of the plaintiffs, it could open the door to a full range of rights for the Metis, a population estimated at anywhere from 60,000 to a half-million people. See Kirk Makin, "Metis push for rights opposed" *Globe and Mail* (March 18, 2003, A14).

In addition to formally accepted or well-established terms, there exist others like "Native," "Indigenous," or "First Nations" that are used primarily by Aboriginal people.[57] As Green explains, the term First Nations is "used by many status Indian communities, and by the Assembly of First Nations, to refer to either *Indian Act* bands, or the historic political and cultural entities that are now fragmented into bands by federal legislation."[58] This definition is useful because it suggests that the term First Nation is a term developed by Indians to define themselves as nations as opposed to government-created bands. Primarily a temporal reference, the term First Nations also functions to highlight the fact that Aboriginal nations existed long before the formation of the Canadian nation. As an alternative to *Indian Act* bands, First Nations is one term that has found its way into the literature to describe Aboriginal groups or communities. For example, in her treatment of the history of indigenous peoples, Dickason's book titled *Canada's First Nations: a History of Founding Peoples from Earliest Times* uses the term "First Nation" to describe the ancient cultures of Canada. She recognizes the different indigenous "nations" that pre-date the Canadian state.[59] More recently, Tom Flanagan used the term in the title of his award-winning book, *First Nations? Second Thoughts* to challenge the argument that Aboriginal people are members of sovereign nations who can legitimately assert power

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57 Taiaiake Alfred explains, "We have started to use "indigenous peoples" as the standard reference." No explanation for this preferred usage, however, was offered. See Gabrielle A. Slowey, "Taiaiake Alfred: Intellectual Warrior," *Celsius Magazine* (Spring 2002) www.celsiusmagazine.com. See also Sharon Venne, *Our Elders Understand Our Rights: Evolving International Law Regarding Indigenous Rights* (Theytus Books: British Columbia, 1998). Michael Asch, *Home and Native Land* (UBC Press: Vancouver, 1993), Geoffrey York's *The Dispossessed: Life and Death in Native Canada* (Little, Brown and Company: Toronto, 1990).

58 Joyce Green, "Canaries in the Mines of Citizenship: Indian Women in Canada," *Canadian Journal of Political Science* XXXIV: 4 (December 2001), 716.

59 Olive Patricia Dickason, *Canada's First Nations: A History of Founding Peoples*

equal to that of the Canadian state.[60] In his work, he uses the term to deconstruct concepts of Aboriginal nationhood and sovereignty and to advocate an end to government policy which has engaged Aboriginal people in the self-government process for the past twenty years.

Given the many designations, meanings and applications of labels used to describe Aboriginal people, I agree with Abele that Aboriginal people remain "outstandingly" heterogeneous – culturally, linguistically, economically and politically, making it difficult to refer to them in general terms, collectively.[61] The term "Aboriginal" however is best used to reflect this diversity because, as a term "Aboriginal" presents itself as the broadest, most inclusive term, taking into account Indian, Inuit and Metis, making it the most appropriate term for use in the course of this study.

2.3 "Self-Government" or "Self-Determination"?

The term "self-government" really came into vogue in the 1980s. Since that time the use of the term "self-government" has become intertwined with "self-determination," implying that the two terms are similar, if not the same thing. Commenting on the conflation of the two terms, Green offers a practical distinction when she explains that

> self-government and self-determination have become increasingly intertwined, as indigenous resistance to colonial domination ranges from asking for a measure of local government in a relatively insular and insulated arena – the reserve land base –to contesting the legitimacy of the state and demanding reparations, and a

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from Earliest Times (Toronto: McClelland and Stewart, 1992).

[60] Tom Flanagan, *First Nations? Second Thoughts* (Montreal and Kingston: McGill-Queens University Press, 2000).

[61] Abele, "Understanding What Happened Here," 120.

> form of political and economic autonomy consistent with the self-determination language of international law, within yet apart from the state.[62]

According to Green, the terms are used to describe both domestic and international challenges. Self-government, and by association self-determination, can involve degrees of devolved power and autonomy which results in an informal or *de facto* form of self-government. It may entail more formalized arrangements that are legislatively approved. Finally, it might involve rogue assertions of sovereignty-association. Regardless, differing types of self-determination means that self-government is primarily a description for diverse political goals and strategies.

At the same time that self-government is perceived as a way for Aboriginal people to set themselves apart from non-Aboriginal citizens, it is also a phrase that is disliked by many Aboriginal people. As one Cree man explains, "self-government is too often used [to imply] that First Nations are evolving into a way that we are now capable. Well we have always self-governed. We [did] it long before Western society showed up at our doorstep."[63] Self-government is many things to many people. It is desirable and detestable, necessary and insulting. It is a term used by many, but precisely defined by none. Instead, it is viewed as the quintessential expression of Aboriginal rights at the same time that it is viewed as a patronizing component of current public policy. This lack of definition has, Cassidy writes, "enabled various researchers and commentators to respond to the pace of change, as constitutional matters, government policies and the institutions of aboriginal government have all taken, in varying degrees, paths of

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62 Joyce Green, *Exploring Identity and Citizenship: Aboriginal Women, Bill C-31 and the Sawridge Case* (Diss. University of Alberta, 1997), 34.

development."[64] It also means that the task of defining self-government has been largely left to the legal world. According to Cairns, there "is no lack of scholarship seeking to maximize Aboriginal self-government, especially from legal scholars."[65] Isaac acknowledges that the lack of a definition poses a challenge to even legal technicians. As he explains:

> On the one hand, federal and provincial governments fear its meaning is too broad while, on the other hand, Aboriginal people fear a restrictive interpretation. Nevertheless, both parties agree that the term "self-government" expresses the desire of Aboriginal people to control their destiny. It expresses their desire for self-reliance and accountability of their leadership to their own people and not to the federal Parliament, provincial or territorial legislatures, or federal bureaucracies.[66]

What appears to replace a precise definition is a common understanding of what self-government represents. The underlying problem that makes defining self-government a challenge is the endemic constitutional, legal, jurisdictional, political and Aboriginal perceptions of what self-government means and what it entails because each representation reflects a specific agenda and does not, in any significant way, lend itself to the development of one, coherent definition of the term.

A definition of self-government is needed even though there is no single model of self-government. A definition provides a framework within which to better understand the political dimension of Aboriginal self-determination. Specifically, self-government is indigenous governmental structures, rules, practices and ideas. Problematic is that these

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63 MCFN Member, *Interview with author no. 27* (Edmonton, AB: May 27, 2000) 4.

64 Cassidy, "Aboriginal Governments in Canada: An Emerging Field of Study," 73.

65 Alan Cairns, *Citizens Plus: Aboriginal people and the Canadian State* (Vancouver: UBC Press, 2000), 7.

structures, rules, practices and ideas may or may not be designed to promote self-determination. To elucidate, a First Nation may be self-governing, but its governance may reflect external compulsions (e.g. INAC rules, regulations, restrictions on the direction of policy). Self-government, therefore, means more than institutional arrangements. It means governance as the broadest possible system in which Aboriginal people as a society make decisions, but in which government is included. It is an inherent right that predates the foundation of the Canadian state but does not preclude a relationship with Canada (citizens and government) based on freedom and equality, consented to by Aboriginal people. This definition is useful because it conceives of a shared citizenship, one that does not require the sacrifice of those qualities that make Aboriginal people unique, nor deny them access to the benefits of modern society. Additionally, it provides Aboriginal people the opportunity to develop their own societies on their own land and for their own accord. As Cassidy and Bish describe self-government, it represents the "efforts of Indian people to use governments to accomplish the social, economic, cultural and political goals they have set for themselves."[67]

Self-government does not simply refer to federal or provincial programs or efforts to normalize Aboriginal governments as junior governments in the existing federal system. Instead it represents a First Nation's ability to govern in accordance with its own goals, values and aspirations. It involves autonomy, accountability and decision-making power. It not only requires significant amounts of political and economic control to make choices about institutions and economic activities in a way that meets the needs,

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[66] Isaac, *Aboriginal Law*, 496.

objectives and goals of a band but also in a way that respects and maintains the culture and values of the community. Self-determination, by extension, must be understood as the practical and political manifestation of self-government. It represents "products of Aboriginal people living and working to form the political structures they require to meet the challenges of economic development, health, education, social services, resource management and any number of common concerns in their communities and on their lands."[68] It requires decisive control to redesign political institutions and fiscal arrangements.[69] Finally, it necessitates the development of social, economic, cultural and political institutions run by and for Aboriginal people.

It is evident that, given all it entails, self-government requires a reordering of power, authority and responsibility to indigenous levels of government. But political restructuring is only one component of self-determination. As former AFN chief Mercredi once argued, "If we gain [political] power for the community but we don't get the economy, we have power that cannot exercise itself."[70] Accordingly, for Aboriginal governments to function independently and for Aboriginal people to reduce their dependence on government Bear, Boldt and Long maintain that First Nations must similarly reduce their levels of economic dependence on the federal government. Self-determination, therefore, is much more than transforming the current political condition

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67 Cassidy and Bish, *Indian Government*, xix.
68 Cassidy, "Aboriginal Governments in Canada," 84.
69 Ibid., 85.
70 Ovide Mercredi, "A Conversation with National Chief Ovide Mercredi, *Mawioni Journal* (Winter, 1994), 7.

of Aboriginal people. It requires the reordering of the Aboriginal economic relationship to the global economy.

2.4 "Self-Sufficiency" or "Self-Determination"?

Self-determination is a multi-faceted phenomenon that relies on economic independence. Since self-sufficiency is inherently economic it is equally important for self-determination. As Wotherspoon and Satzewich explain, "without an economic base separate from federal and provincial funding, aboriginal self-government would be vacuous; indeed, it would be a contradiction in terms."[71] Warburton agrees, noting that the "cultural preservation and progressive political development cannot occur without an economic base. Economic development and access to capital are essential if First Nations are to receive just treatment and a place of dignity and respect."[72] Capital and an economic base are therefore vital for increased, meaningful political independence.

Though one could make the argument that no individual or state is "self-sufficient" (relying on imports/exports, trade – or labour for wages) Aboriginal nations strive to achieve some level of self-reliance, thereby ending their historic dependence on government. This requires the ability to make economic decisions. As Wotherspoon and Satzewich explain, "the establishment of Indian owned and controlled capital corporations may be beneficial to the extent that decisions for funding of economic development initiatives will become disentangled from the state."[73] They suggest that

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71 Wotherspoon and Satzewich, *First Nations*, 244.

72 Rennie Warburton, "Aboriginal Status and Canadian Politics," *Studies in Political Economy* 54 (Fall, 1997), 132.

73 Wotherspoon and Satzewich, *First Nations*, 260.

this disentanglement is likely to have the positive effect of taking those decisions out of an arena in which there is not a "level playing field."

In exploring strategies for self-sufficiency land is a central issue.[74] This is because self-determination finds its most concrete expression in governance by a people over a defined population in a defined land area.[75] According to Simmons, "the struggle for land rights is the indisputable basis for aboriginal self-determination."[76] Notzke further explains that even though only half of Canada's First Nation population (approximately 350,000 out of at least 750,000, as enumerated by Statistics Canada in 1991) reside on reserved lands, "it is generally assumed by all parties involved, that territoriality – 'the actual or secured potential for control or jurisdiction over a defined land base'- is a precondition for aboriginal self-determination."[77] If land is a precondition for self-determination then the resolution of outstanding land claims forms an essential part of the process.

Warburton writes that "the mutual interdependence of self-government and economic self-reliance is a major reason why land claims and resource-related negotiations are so crucial."[78] Land claims are not simply about grievance resolution or money. They are also about securing a voice in resource development. Connected to the

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74 Oren Lyons, "Spirituality, Equality, and Natural Law" in Leroy Little Bear, et al. eds, *Pathways to Self-Determination* (University of Toronto Press: Toronto, 1984), 9.

75 Claudia Notzke, *Aboriginal people and Natural Resources in Canada* (Captus University Publications: North York, 1994), 174.

76 Deborah Simmons, *Against Capital: The Political Economy of Aboriginal Resistance* (Diss. York University, 1995), 4.

77 Notzke, *Aboriginal people and Natural Resources in Canada*, 174. As of 2001, 58% of Indians lived on-reserve, or approximately 396,688 of a total of 690,101 Indians. See Department of Indian Affairs and Northern Development, *Basic Departmental Data, 2002* (Ottawa: Minister of Indian Affairs and Northern Development, 2003) 5.

struggle for land, therefore, is the struggle for access to and management of resources. Whether through the courts, on the land or in the policy arena, First Nations have been actively seeking title to and participation in resource deals. By way of example, Cree chiefs in Quebec signed an historic deal in 2002 that Former Grand Chief Billy Diamond described as an innovative and important resource deal, one based on partnership.[79] Clearly, sharing the resources means more than splitting profits. It means managing the resources together. As Notzke further explains

> it is important to realize that native groups do not just want access to and a fair share of the resources in question, but they also strive for participation in the management of these resources. They want to share in the power to make decisions about the fate of the land and the resources its supports. In short they want to be partners in resource management.[80]

The topic of Aboriginal control, management and participation in resource development, though generally considered separate from, if not secondary to, matters of political and jurisdictional control, is increasingly important given the obvious connection between lands, access to resources and self-sufficiency. Notzke identifies some of the local opportunities and cultural constraints that Aboriginal people encounter in their efforts to use resources and gain management power over these resources. In her analysis on *Aboriginal people and Natural Resources* she concludes that Aboriginal

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78 Warburton, "Aboriginal Status and Canadian Politics," 132.

79 CBC, "Cree chiefs endorse resources deal with Quebec," (February 5, 2002), http://cbc.ca/storyview/CBC/2002/02/04/cree_que020204. Rheal Seguin, "Crees, Quebec sign historic deal", *Globe and Mail* (February 8, 2002), A7.

80 Notzke, *Aboriginal people and Natural Resources in Canada,* 3.

people face a maze of options in terms of what is legally possible, economically feasible, socially acceptable and culturally appropriate in resource development projects.[81]

The issue of land and resource-based self-sufficiency is contested by those who do not view Aboriginal territory or "reserves" as an appropriate basis for economic development and self-sufficiency. For instance, Boldt challenges that a reserve-based economy will not be sufficient for economic development.[82] He maintains that Aboriginal communities must develop off-reserve economies to survive. To this end, he urges Aboriginal communities to seek external investment opportunities. This logic links the idea of self-sufficiency to the development of partnerships and Aboriginal communities to the global economy.

Partnerships might be difficult for those communities which are anti-development. In his analysis of the struggle for resources and resource development, Geddicks focuses on the plight of the Chippewa of Northern Michigan in their stand against the Kennecott Corporation.[83] Geddicks warns that Aboriginal lands are being exploited by social greed and corporate profiteers who seek to reap the benefits of resource development while Aboriginal people and the environment continue to suffer. Only indirectly addressing the topic of self-determination, the value of Geddicks work lies in his insight that the struggle for self-determination may not be limited to seeking a land base and partnership in resource management as some communities may challenge

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81 Ibid.

82 Menno Boldt, *Surviving As Indians: the challenges of self-government* (Toronto: University of Toronto Press, 1993).

83 Al Geddicks, *The New Resource Wars* (Boston: South End Press, 1993).

the development of these lands. Procurement of land and resources means the potential for Aboriginal participation but also the potential for confrontation.

At the heart of self-sufficiency is land and access to resources. Together, they form the interlocking instruments of economic development, and by extension, self-determination. Though land and resources may have intrinsic economic value, they also have inherent political significance as they provide the base for First Nations to chart their own path and make their own choices. As such, both elements need to be considered as an integral part of any self-determination definition.

2.5 "Self-Determination": Towards an Understanding

With respect to terminology, I agree with Osennontion who prefers the term "self-determination," arguing that it better describes the action that needs to be taken. She suggests that "the establishment, exercise and enforcement of government, is [sic] only one aspect of self-determination."[84] Self-determination can be defined as the interaction of political *and* economic forces that, combined, provide autonomy and self-direction to an Aboriginal community.[85] This definition implies the ability of a First Nation to exercise control over its own economy. It also involves the authority of a First Nation to govern its own people, on its own land. In other words, it is the political manifestation of self-government and the economic expression of self-sufficiency. This definition is

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[84] Osennontion and Skonaganleh:ra, "Our World" *Canadian Women's Studies Journal* 10:2,3 (1989), 10.

[85] While the focus of this dissertation is on the "self-determination" of "resource-rich" First Nations, the term "self-government" may be used to periodically as it is the phrase most often used by government, academics and practionners when describing the political machinery of self-determination. This use of the term does not derogate in any way from the above-specified delineation.

fruitful because it encapsulates the dualism of self-determination. As a definition, it stresses an equal measure of political control with economic self-sufficiency as the constituent elements of self-determination. Clearly, self-determination is a process that blends institutions (political and economic) which must work together to advance and improve the socioeconomic position of Aboriginal communities.

Although, as Cardinal suggests, self-determination represents a critical component of the "inherent rights" agenda, it is still at a preliminary state and it remains unclear as to what direction this agenda will take.[86] Although there is a larger Aboriginal vision of self-determination based on inherency, the pragmatic goal of self-determination is to achieve change within the political and economic framework of First Nations. In many cases, this requires negotiation of economic and political rights. Self-determination, in the context of this dissertation therefore, refers specifically to Aboriginal political and economic development in the global economy, moving the idea of self-government and self-sufficiency beyond the simple parameters of institutional arrangements to one of Aboriginal governance. This is the precise understanding of self-determination from which this dissertation shall proceed.

2.6 "Governance": Making the Neoliberalism/Self-Determination Connection

Governance analysts define government as a discrete entity, existing in its institutional form, as a representative body. Governance is usefully defined as the art of steering

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[86] Harold Cardinal, "Introduction" *The Unjust Society* (Vancouver: Douglas & McIntyre, 1999), xx.

societies and organizations.[87] More specifically, the Institute on Governance proposes that governance occurs through interactions among structures, processes and traditions that in turn determine how power is exercised, how decisions are made, and how citizens and stakeholders are heard. The Institute suggests that governance is about power, relationships and accountability. More plainly, it is about who has influence, who decides and how decision-makers are held accountable. This, they claim, means that governance is not synonymous with government because, though governments are concerned with public issues, such issues are not confined to the domain of government.[88] Governance includes other actors, such as the non-profit sector, the media, religious organizations, interest groups and business organizations that also share an interest and sometimes a role in addressing public issues. It is the context in which these actors operate, a context determined by tradition, culture, history and technology, which helps shape the roles and tactic adopted by various actors in the governance of any society.[89]

According to Brodie, shifts in governance correspond to historical shifts in the organization of the international political economy, including the coupling of the laissez-faire state with industrial capitalism in the late 19th and early 20th centuries, the welfare state with corporate capitalism from the 1930s until the mid-1970s and the neoliberal state with globalization and transnational capital.[90] As the current identifiable state form, the neoliberal state has its own logic of governance. A vision for growth and the

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87 Institute on Governance, *Understanding Governance in Strong Aboriginal Communities. Phase One: Principles and Best Practices from the Literature* (Ottawa: Institute on Governance, 1999).

88 Ibid., ii.

89 Ibid., iii.

application of new ideas to implement change, governance under the current state form means that development only succeeds if it prepares a community to be self-sufficient to compete in a global economy. Neoliberalism requires that governments not only meet immediate, regionally-specific needs, but must also contribute to a wider vision of growth and well-being. Consequently, a tenable vision for growth must strengthen the community's position within the global economy.[91]

The idea that governance extends the scope of focus beyond institutional change and political-economic development is useful since Aboriginal self-determination is not solely about reforming institutions or reconfiguring citizen-state relations but about developing new relationships and working towards new "governance" models to improve socioeconomic conditions. As Hawkes points out, there is "increasing evidence world wide that socioeconomic well being is directly linked to 'good governance'."[92] Yet, governance is a concept that remains largely unconnected with the concept of self-government or self-determination. It has recently appeared in the government lexicon in recent initiatives to update the *Indian Act* but their interpretation of governance appears restricted to responsible government. Still, governance is the essential link between self-determination and neoliberalism.

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90 Janine Brodie, "The New Political Economy of Regions," in *Understanding Canada: Building on the New Political Economy*, eds. Wallace Clements (Montreal & Kingston: McGill-Queen's University Press, 1997), 227.

91 Institute on Governance, *Understanding Governance in Strong Aboriginal Communities*, 11.

92 David Hawkes, "Rebuilding the Relationship – The "Made In Saskatchewan" Approach to First Nations Governance," Conference Paper prepared for *Reconfiguring Aboriginal-State Relations, Canada: The State of the Federation, 2003* (Kingston, ON: Institute of Intergovernmental Relations, 2002), 3. In this paper, Hawkes notes that even the Report of the Royal Commission on Aboriginal people enumerate some of the attributes of good governance.

Notwithstanding its lack of use so far, governance is a fruitful concept from which to understand Aboriginal self-determination because it involves partnerships that bring Aboriginal people, government and business leaders together to address issues of complementary interest. As neoliberal governance persists, governments continue to encourage partnerships within which politicians or public servants share power with other sectors of society.[93] The debate on "good governance" like that of Aboriginal self-determination leads to debate on difficult issues like the role of the government, how governments should relate to citizens, relationships between levels and branches of government and whether different approaches to governance are suited to different stages of development.[94] The utility of the concept of governance therefore lies in its ability to provide a forum for discussion on the role of government in coping with Aboriginal issues and the contributions of other players. The Institute on Governance, one of the few bodies concentrating on the issue, argues that, as a concept, governance opens new intellectual space.[95] It facilitates reflection on strategies that may be adopted by a society in instances of government incapacity. As Plumptre and Graham argue, it "opens one's mind to the possibility that groups in society other than government may have to play a stronger role in addressing problems."[96] The need for the involvement of other, non-governmental actors in Aboriginal self-determination is critical but the ongoing need for

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93 Institute on Governance, *Understanding Governance in Strong Aboriginal Communities*, 6.

94 Ibid., 7.

95 Tim Plumptre and John Graham, *Governance and Good Governance: International and Aboriginal Perspectives* (Ottawa: Institute On Governance, 1999), 14.

96 Ibid.

the state and provincial governments in managing the development process remains essential.

The Institute outlines several characteristics to determine the appropriateness of a long-term development strategy. These include: socioeconomic indicators (education, training, access to health and social services, income, gender equity, employment and other measures), state of the economy (diversification, dependence on external resources, growth projections, debt loads, infrastructure and degree of integration into the global economy), resources (access to natural resources, human capacities and sustainability of resources), cultural profile (traditions, norms, customs, conflict resolution) and indigenous values, networks and knowledge. All of these indicators, when combined, can also be identified as critical elements for self-determination. The concept of governance links all of these elements. And, while these indicators may be similar in nature, like Aboriginal communities and their aims for self-determination, none of these elements are identical for each government. Instead, they vary in all cases and are intended to guide communities when trying to develop strategies to meet and develop their own unique needs, goals and objectives of governments across the globe.

For Aboriginal people, the concept of governance is an important one since it provides for extra-governmental relationships and contemplates the role of community development in the global economy, taking the idea of self-government beyond the simple parameters of institutional arrangements. Yet, for many Aboriginal people and scholars, the most critical factor remains redefining their relationships with their national

governments from a paternalistic and largely adversarial association to a more open, flexible partnership based on equality and trust.[97]

2.7 Conclusion

In spite of the volume of studies that explore and contemplate Aboriginal self-determination, its forms, functions and relationship with the state and citizenry, there exists a paucity of research that explores the relationships between neoliberalism and First Nations, between self-determination and governance. Although the connection between neoliberalism and governance with respect to First Nations has been clearly under-examined, questions relating to these topics may prove among the most important dilemmas we face.[98] As practical matters of administration and service delivery in Aboriginal communities arise, the issues of governance, partnerships and processes are not easily confined to what a constitutional document might say or what a government might do. Rather, in many cases, the issue of governance is one that should focus on the daily realities of managing public society in a highly complex and interdependent world. The components, goals and realities of self-determination must be considered because they are shaped by shifts in the international economy and rationalized by neoliberal logic.

Before it is possible to explore the process of self-determination, it is necessary to conceptualize the relationship between neoliberalism and Aboriginal self-determination. At this point, it is time to turn attention away from the terminology and literature of self-

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97 Institute on Governance, *Understanding Governance in Strong Aboriginal Communities*, 31.
98 Plumptre and Graham, *Governance and Good Governance*, 15.

government to the next chapter wherein I contemplate the changing nature of the Aboriginal-state-market relationships and provide new ways of thinking about Aboriginal self-determination.

Chapter Three

Theorizing State, Marketplace and First Nations Relations: Reconceptualizing Aboriginal Self-Determination

3.0 Introduction

As a consequence of the intensification of capital accumulation on a global scale, Canada, like all western democracies, is currently experiencing a profound shift in state form and governing practices. As Brodie explains, "it is now widely acknowledged that the foundations of the Keynesian welfare state have not survived the combined forces of prolonged recession, jobless growth, the so-called globalization of production, and neoliberal governing practices."[99] It is within this context that state-Aboriginal relations are changing. My thoughts about the construction of self-determination within the current era of intensifying neoliberal globalism focus primarily on an analysis of the state as it provides a favourable environment for economic growth and private enterprise. The intention of this chapter is to introduce ideas that present new ways of thinking about Aboriginal self-determination.

With the exception of a small number of recent works, few explore the impact of welfare state restructuring on First Nations governance and fewer theories exist to provide explanations as to why self-determination takes place the way it does.[100] To demonstrate how Aboriginal self-determination is linked to the ideological needs and policy approaches of the neoliberal state in the current phase of globalization, it is

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[99] Brodie, *Politics on the Margins*, 14.

[100] Those that do, however, include Abele, "Understanding What Happened Here" and Abele, et al. "Negotiating Canada: Changes in Aboriginal Policy over the Last Thirty Years"; Joyce Green and Cora

necessary to emphasize theoretically grounded case studies that develop new strains in the political economy and Aboriginal scholarship. To that end, this discussion is divided into three sections. The bulk of the chapter concentrates on developing an explanation of self-determination by exploring how the nature and role of the state is revealed through new directions in Aboriginal policy that support Aboriginal self-determination. Next, it considers class as an important consideration in self-determination. Finally, it concludes that the neoliberal ideology that drives globalization and the Canadian political economy, similarly shapes the political economy of Aboriginal self-determination.

3.1 The State, the Marketplace and First Nations

In the last three decades, the state has played a central role in shaping the new Canadian political economy. Because Canada is a federal state, the very concept of "the state" conflates the two levels of government, national and provincial. That their roles are separate is important to understanding neoliberalism and public policy. At the same time, that their goals overlap is also important to understand since provinces like Alberta and Ontario and the federal government have, in recent years, adopted a neoliberal stance, focussed on creating an economic climate conductive to investment by reducing their regulatory regimes. Hence, despite their independent roles, it is useful to draw on the notion of the state to encapsulate the way in which demands in the global economy transform the state-society relationship.

Voyageur, "Globalization and Development at the Bottom," Marilyn Porter and Ellen Judd, eds., *Feminists doing development: a practical critique* (New York and Boston: Zed Books, 1999).

As the postwar social and economic order dominated the past fifty years, there is great interest in the implications of the recent shift in state form, from the large, interventionist and visible role that the state played in the postwar era to the decreasing, minimalist role it is playing at present. It now seems clear that the phenomenon of state intervention has been replaced by the laissez-faire state characterized by the absence of protectionism and state regulation, and the inability of the state to intervene in domestic market production. As Albo and Jenson explain, rather than promoting national markets, "the federal government now pursues the elimination of borders between the Canadian economy and the rest of the world and works to make the country's competitive position in global markets the privileged barometer of well-being."[101] The shift in government focus is attributed to the demands of external forces that continue to shape Canada's internal development. The result is that the state has moved from assisting capitalism by providing for social needs to ushering in a new set of policies designed to promote unfettered markets.

The explicit transformation of state functions to meet the demands of a global market, dominated by the United States, has led many to speculate that the sovereignty and the practical ability of the state to govern have been significantly diminished, or at the very least, been transformed. Yet, "Canada and Canadians have long been familiar with a type of American imperialism and transformed state sovereignty that is now becoming generalized around the world with globalization," argues Panitch.[102]

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101 Albo and Jenson, "Remapping Canada," 215.

102 York University, "Panitch Canada Research Chair will examine U.S. role in managing global capitalism," (March 28, 2002), http://www.yorku.ca/ycom/release/archive/032802.htm.

Referencing the Canadian historian Harold Innis, he notes that American imperialism has been made plausible and attractive in Canada and is internalized in the Canadian state and society. [103] Certainly, the process of globalization, far from dwarfing states, has been constituted through and by them. Even in the new political economy the state is not without power or the ability to lead. According to Brodie, it is important to "stress that the ascendancy of the market over politics does not mean that the state is disappearing. Rather, state power has been re-deployed from social welfare concerns and economic management to the enforcement of the market model in virtually all aspects of everyday life."[104] Although the state's functions may have changed, the state itself is not disappearing. This distinction is critical since it reinforces the notion that government continues to be active in decision-making and public policy in order to facilitate the accumulation of capital. It is also important since it provides a useful analytical framework from which to understand Aboriginal policy. As Warburton explains, the legal capacity and power granted to the state is central in the political economy of Aboriginal people.[105]

The unifying principle dictating current government policy is that anything that increases corporate profit margins and enables them to produce efficiently ultimately serves the interests of Canada and all Canadians. These objectives are largely identical to corporate interests (for example, resource development projects, lower corporate taxes, and so on). Today, as throughout Canadian history, there exists "an ideological

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103 Ibid.
104 Brodie, *Politics on the Margins*, 51.
105 Warburton, "Aboriginal Status and Canadian Politics," 119.

hegemony emanating from both the bourgeoisie and the state which is awesome, which is reflected in the sheer pervasiveness of the view that the national interest and business interests are one and which certainly ensures the smooth functioning of the relationship between the state and the capitalist class."[106] The Canadian state has historically served the interests of capitalism in part by dispossessing Aboriginal people of title to their lands which stood in the way of development. With the development of neoliberal society, the state has changed tactics, not goals.[107] This new strategy, Canada's new approach to Aboriginal policy, is couched in promises of social cohesion and the prosperity of Aboriginal people, collectively and as individuals.[108] Abele cautions, however, that the health and fairness of the relationship between Aboriginal people and Canada affects all Canadians. It is not simply a matter of getting along or mutual accommodation. It is also a matter of reconciling outstanding conflicts between Aboriginal people and the state. This reconciliation is critical because,

> in public policy terms, the relationship between Aboriginal people and the Government of Canada shapes the capacity of the federal government [and the provinces] to regulate land and resource use, to promote economic development, and also to address many other important economic issues that are critical to the position of Canada in the global marketplace.[109]

Although government capacity is not currently inhibited by Aboriginal claims, that could change and to avoid those changes it is involved in land claims. Therefore, the notion that

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106 Panitch, "The role and nature of the Canadian state," 13.

107 Additional causes for the recent shift in state goals pertain to the increased public concern over the social problems faced by First Nations peoples in support of the pressure placed on government by First Nations people themselves and the constitutional responsibility of both levels of government for Aboriginal people.

108 Abele et al., "Negotiating Canada: Changes in Aboriginal Policy over the Last Thirty Years," 251-252.

109 Ibid., 251.

the government is benevolent in its dealings with First Nations cannot be neatly separated from the economic imperatives also driving modern Aboriginal policy.

Since 1969, when the Government first suggested that it release its tight grip on Aboriginal people by abandoning the *Indian Act*, Aboriginal-state relations have been undergoing considerable change.[110] Over the past three decades, the state has concentrated on restructuring its relationship with Aboriginal people. This occurs in an era in which Aboriginal people have asserted their political rights, laid claim to their land and demanded a renegotiated relationship with the state. An essential part of this renegotiated relationship involves government meeting its outstanding obligations to Aboriginal people through the settlement of land claims. According to Mitchell, the decision to negotiate land claim settlements actually originates with the state. She writes that "in the same way the Canadian state had been previously committed to a policy of proceeding with northern treaties only when the land was required for settlement, there was no movement on [Aboriginal] claims until the state perceived a need for the land for exploration of resources and energy."[111] As a policy initiative, the settlement of land claims is important to the state because it promotes stable economic growth. It also protects the basis for material relations and the basis for Canadian wealth. As issues surrounding Aboriginal lands and resources have historically constituted an integral part of, and a necessary condition for, the capitalist mode of production it is imperative that land claims be resolved.

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110 See Abele et al., "Negotiating Canada: Changes in Aboriginal Policy over the Last Thirty Years."

111 Marybelle Mitchell, *From Talking Chiefs to a Native Corporate Elite: The Birth of Class and Nationalism among Canadian Inuit*, (Montreal & Kingston: McGill-Queen's University Press, 1996), 343.

Resource development and exploration play a central role in the study of the political economy of Aboriginal self-determination. This is in part due to the fact that, as Clement writes, traditional Canadian political economy "cut its teeth" on the study of resource exploitation.[112] The corpus of Innis's work in particular has come to be identified as the classic staples approach and it is the logical point of departure for understanding Canada's resource development history. Staples are an important focus for explanation and investigation as they are the foundation for Canada's trade economy, critical to its international position, and at the heart of Aboriginal-state relations.

In our history, "two great staple trades have dominated the North, the fur trade and now, increasingly, minerals."[113] Mining and petroleum in particular share economic characteristics as both involve highly capital-intensive exploitation of non-renewable resources.[114] As the gatekeepers to the land and its resources, Aboriginal people have played and continue to play an important part in Canadian economic development. Aboriginal people, already present upon the arrival of the first Europeans, quickly became an integral part of the mercantile process as they participated in the production and exchange of resources and commodities. Yet, that which made them valuable allies to the first traders also made them potential barriers to ensuing staple development. As the original occupants, they held underlying title to land and resources which was perceived as a potential impediment to the development of agriculture and non-renewable

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[112] Wallace Clement and Glen Williams, "Resources and Manufacturing in Canada's Political Economy," in Wallace Clement (ed.), *Understanding Canada: Building on the New Canadian Political Economy* (Montreal & Kingston: McGill-Queen's University Press, 1997), 43.

[113] Watkins, , "From Underdevelopment to Development," 86.

[114] Ibid.

resources. As a result, Aboriginal people were disempowered, colonized, transformed into wards of the state, primarily through federal legislation and related policies. This led to a pattern of dispossession, dependency and devastation that has characterized more than a century of Aboriginal policy. As part of its approach to reverse this process, to *decolonize* First Nations, the federal government has embarked upon a new strategy, one that purports to restore Aboriginal autonomy and authority as well as control over lands and resources.

Abele et al. propose that many of the changes over the last thirty years in the Aboriginal policy field have been remarkable as "Aboriginal people have moved from a position of political irrelevance to a position of considerable importance in the policy process."[115] She explains that this is because "we have moved from the concept of Aboriginal people as impoverished because of a paternalistic past…[to recognition of] the need to resolve fundamental issues of land in order to achieve a more constructive future of [Aboriginal] self-control and improvement."[116] While this is true there is also significant pressure upon the state to resolve outstanding conflicts to ensure stable access to resources so that development may proceed, fulfilling demands in international markets. Green explains that the

> effective reassertion of Aboriginal jurisdiction spells limitations for federal and provincial governments, and for the corporate interests that those governments have served so well to date. It potentially means limited, terminated, or more costly access to natural resources, regulatory restrictions concerning

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115 Abele et al., "Negotiating Canada: Changes in Aboriginal Policy over the Last Thirty Years," 252.

116 Ibid., 284.

> environmental matters, community development and infrastructure, and required engagement with the primarily unskilled aboriginal labour force.[117]

Accordingly, assertion of Aboriginal jurisdiction runs contrary to the demands of the neoliberal state. Hence, the settlement of outstanding claims is as important to the continued economic growth of Canada as private property is to capital, especially since the colonial entity of contemporary Canada remains "firmly squatted on aboriginal lands and cannot survive without them."[118] For instance, whether it is the Inuit and Innu claim to Voisey Bay and Inco nickel explorations or the Dogrib claim in the Northwest Territories and the Diavik diamond mine, the commonality appears to be that unfinished business between government and Aboriginal groups impedes resource development. And, as technology makes extraction more cost-effective, a large number of mineral and oil companies are particularly interested in developing resources in the North. Clearly the settlement of claims is critical since access to resources assumes access to land. Hill and Sloan acknowledge that "land claims have already increased Aboriginal people' control over significant portions of Canada's land mass" and final land claim settlements have clarified questions of land ownership in many regions.[119] This clarification encourages potential developers and fosters resource development. But the compulsion of the state to enter into modern-day treaties or to settle outstanding claims is not evenly experienced across the country. In reality, the political will to settle certain outstanding

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117 Green, "Exploring Identity and Citizenship," 60.

118 Ibid., 60.

119 Roger Hill and Pamela Sloan, "Canada: Native Peoples and Corporations" *Native Americas* (Ithaca: Cornell University Press, 1996), 48.

claims over others reflects an increase in the political and economic pressure placed on government by resource extraction companies.[120]

3.2 Neoliberalism and Self-Determination

This thesis asserts that pressure for Canadian resources is a prime force driving Aboriginal self-determination policy.[121] To that end, neoliberal policies (e.g. devolution, job training, and welfare reform) that promote market solutions to social and economic inequalities (e.g. poverty and employment) are also part of Aboriginal self-determination policy. As a capitalist nation with an economy, particularly regional economies, still reliant on staple production, current policies and attitudes of the Canadian state reflect its propensity for the accumulation of capital and its penchant for market logic in the distribution of wealth. Historically, the state's intervention in the affairs of a society was deemed an effective way to stabilize the dynamics of accumulation. During that time, the Canadian state was seen as directly involved in the class structures and class struggles of society. The role of the state, moreover, is constantly determined by the nature and requirements of the capitalist mode of production which means that it functions to service the needs of the capitalist class. Today, as multinational corporations (MNCs) seek an environment unencumbered by state regulation and social disruption, they benefit from an economic approach to governance in many regions of the world. As MNCs demand

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120 This assessment is also supported by the 1985 Task Force to Review Comprehensive Claims Policy which observed that the settlement of land claims has been achieved "only when the federal government was eager to facilitate an economic development project". Cited in Satzewich and Wotherspoon, *First Nations*, 40.

121 Arguably, there exist other forces driving Aboriginal policy that include constitutional and legal obligations [S. 91 (24) and s. 35], a well as international considerations/pressures.

low-wages, minimal environmental protection standards and little or no social security benefits, they also require political stability, a highly qualified workforce and a reserve army of labour. Aboriginal self-determination forms part of the neoliberal strategy to meet these demands. As long as Canadian development is premised on a continuing search for resources to exploit, MNCs continue to find a hospitable environment, conducive to harvesting oil, gas and other natural resources as their demands are being met through new governing practices and new labour policies.

3.2.1 Political Self-Government

If good government involves identifying goals and outcomes, then the neoliberal ideal of the common good rests on market-oriented values such as self-reliance, efficiency and competition. The neoliberal ideal of the good citizen is one that recognizes their obligation to work longer and harder in order to become more self-reliant.[122] Applying this logic to Aboriginal policy, the neoliberal ideal for First Nations is self-determination because it re-establishes a proper balance between First Nations and the marketplace which was perverted by the welfare state, giving rise to an unhealthy dependency on the state. Hence, where the federal government once directly administered and governed First Nations, state-First Nation relations have undergone a dramatic change. Federal policy that once was designed to foster assimilation is now directed at removing restrictions and developing Aboriginal economic independence and political freedom. Where a vertical command-and-control style of government once dominated, an integrated or horizontal approach to policy development and a multi-sectoral approach to

service delivery have emerged. In a practical sense, horizontal service delivery has been achieved through the devolution of programs and services to the Aboriginal level of government. Primarily, it has occurred through the decentralization of service management and delivery. Most notable is the change in delivery systems, such that traditional vertical stove-pipes are eliminated as INAC no longer directly administers Aboriginal programs. Although the institutions of the state are no longer expected to perform all the roles previously associated with the welfare state, these roles have not disappeared or even diminished. Rather, other bodies or other levels of government, like First Nations, have assumed responsibility for them.

The lists of social programs which have been decentralized are growing daily. As many First Nations pressure government for more control over their affairs (e.g. through such measures as devolution and block funding), it is clear that Aboriginal demands are increasingly compatible with neoliberalism as many seek to escape their status as wards of the state.[123] At the same time, it is also clear that the transfer of responsibility represents a fundamental change in the way that Aboriginal development policy is both thought of and delivered. In essence, state support for Aboriginal self-determination signifies a shift from making policy for Aboriginal people to letting policy be made by Aboriginal people which is an important component of the neoliberal ideal of good government. One example is the 1985 *Indian Act* amendment whereby, for the first time, First Nations were given membership powers to determine who was, or was not, a

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122 Brodie, *Politics on the Margins*, 57.

member of their community.[124] Since that time, INAC has transferred control over education, law enforcement, commerce, health and housing and so on to many (not all) First Nation communities. The result is that more and more First Nations have assumed responsibility for a compendium of social services and programs in their communities. The result is also an increase in the band's power with elected band councils exercising significant powers, akin to those assigned to other levels of governments. This has the successful effect of transferring the responsibility for Aboriginal programming from the federal, and in some instances provincial, government to the First Nation level.

A cornerstone of self-determination is the ability to govern one's own programs and services. According to the Manitoba Public Inquiry, when "Aboriginal people seek the right to self-government they mean the right to determine how matters such as health care, education and child welfare are provided to their people, in their own communities."[125] It is thus important that First Nations institutions are designed specifically to take account of First Nations peoples and First Nations needs because when "outside interests or aid agencies direct [political or] economic projects, their outcomes do not tend to reflect the priorities" of the community.[126] New institutions, Salter and Salter suggest, "could mean creating a different kind of hospital, serving

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123 As Joe Gosnell said, "We're going to get away from being 'wards of the state.' Wards of the state, God it's insulting!" See Sophie Leake, "Aboriginal Land Claims Discussed at SFU Forum," *The Peak* 91,4 (September 25, 1995) www.peak.sfu.ca/the-peak/95-3/issue4/aborig.html.

124 Dave DeBrou and Bill Waiser, eds., *Documenting Canada: A History of Modern Canada in Documents* (Saskatoon, SK: Fifth House Publishers, 1992), 624.

125 Manitoba Public Inquiry into the Administration of Justice and Aboriginal People, *Report of the Aboriginal Justice Inquiry of Manitoba* Vol. 1 (Winnipeg: Province of Manitoba, 1991), as cited in Gina Rozon, "Education for Self-Determination," *American Review of Canadian Studies.* 31,1and2: 61.

126 Institute on Governance, *Understanding Governance in Strong Aboriginal Communities*, 32.

everyone but also responsive to the specific needs" of an Aboriginal clientele.[127] Or it "might mean establishing a joint environmental resource board dealing with matters outside First Nations territory."[128] It might even mean new arrangements for school boards, as well as, in some case, First Nations schools.[129] Finally, it could lead to innovative market-band arrangements for housing programs. So in addition to increased responsibility for social programming, devolution may lead to innovative service delivery arrangements and organizations. It may also lead to co-management arrangements with a variety of boards, councils, industries and other legal institutions which assist in the implementation of the broad principles of the agreements and co-ordinate service delivery. The underlying objective, of course, is consistent with neoliberal objectives; namely, to transform every good citizen, every good Aboriginal person and community into a flexible, self-reliant body that makes fewer demands on the state. Self-determination is no exception.

3.2.2 Economic Self-Sufficiency

As Macdonald explains, "the ideological shift associated with the Mulroney era also tended to support the creation of market-based solutions in some traditional areas of social policy. For the Aboriginal economy, the result was a much stronger emphasis on

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127 Liora Salter and Rick Salter "Displacing the Welfare State", in Wallace Clement, ed., *Understanding Canada: Building on the New Canadian Political Economy* (Montreal & Kingston: McGill-Queen's University Press, 1997), 329.

128 Ibid.

129 Ibid.

the development of sustainable markets and businesses."[130] But sustainable economic development requires many things, like getting access to capital, gaining exposure to wider markets, ensuring the development of labour force skills and creating business-friendly communities and stable investment environments. To that end, the Aboriginal Business Development Initiative (ABDI) was launched in April 9, 1999. It was a $21 million business enhancement initiative designed to improve Aboriginal access to capital, create an Aboriginal Business Services Network, and enhance the delivery of existing business support programs to Aboriginal entrepreneurs and organizations. According to the federal government, it has been a very successful initiative as recent years have seen tremendous growth in First Nations' businesses. The growth rate of Aboriginal entrepreneurship is twice the Canadian average and there are now over 22,000 Aboriginal businesses across the country.[131] There are more than 30,000 Aboriginal university graduates, providing the basis for a dynamic new business class.[132] Today Aboriginal entrepreneurs are developing and bringing to market new products, new services and new ideas.

Aboriginal Business Canada (ABC) represents another attempt of the federal government to stimulate capitalist development in Aboriginal communities.[133] As a program, ABC supports the widespread use of technology, Aboriginal youth

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130 Mark Macdonald, "Relearning our ABC's? The New Governance of Aboriginal Economic Development in Canada," in Leslie A. Pal (ed.), *How Ottawa Spends 2000-2001* (Don Mills: Oxford University Press, 2000), 171.

131 INAC, "Communities First: First Nations Governance,"(May,2001)www.fng-gpn.gc.ca/AB_e.asp.

132 Ibid. Note: According to the 2001 census, nationally the proportion of Aboriginal people with postsecondary credentials increased to 38% in 2001 from 33% in 1996 (whereas in 2001 53.4% of adult Canadians were university graduates).

entrepreneurship and Aboriginal financial and business development organizations. As many First Nations lack the capital and ability to exploit non-renewable resources, Aboriginal enterprise tends not to assist the state in the accumulation of wealth.[134] The objective of ABC therefore is to forge a stronger link between the Aboriginal business community and the broader Canadian economy.[135] As Macdonald clearly explains, "the priorities of ABC are closely related to elements of the government's overall economic strategy, particularly support for a positive entrepreneurial climate, trade and market development initiatives, a focus on youth, and the use of emerging technologies for growth and productivity."[136] The Aboriginal business or the development corporation is thus a logical outcome of neoliberalism.

ABC represents a new direction in Aboriginal business development and entrepreneurship.[137] The orientation of ABC toward a form of government-to-business programming indicates a new type of governance relationship between the federal government and Aboriginal communities. According to Macdonald, the "rich example set by ABC is couched in what can only be described as an alternative governance model, particularly when compared to previous initiatives for Aboriginal economic development."[138] More specifically, it indicates a shift in economic policy orientation from entitlements to partnerships. Macdonald suggests that it is "this new governance

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133 Previous models include the Native Economic Development Program (NEDP) of the 1970s and the Canadian Aboriginal Economic Development Strategy (CAEDS) of the 1980s.

134 It does not, however, impede the state's project of facilitating the accumulation of ever more concentrated wealth.

135 Ibid.

136 Ibid., 165.

137 Macdonald, "Relearning our ABC's?" 163.

138 Ibid., 162.

model that has supported the growth of so many Aboriginal entrepreneurs over the past decade or so."[139] This makes ABC a featured program given its function as the federal governments lead agency for the promotion and support of Aboriginal entrepreneurs in Canada.

Federal programming for Aboriginal business development is considered critical if neoliberal objectives are to be met. It is important to creating an environment conducive to the reproduction of capital, shifting First Nation dependence from government to the market place. As Minister of Indian and Northern Affairs Canada, Nault explains the department has restructured itself so that they are "working closely with First Nations, First Nations business, the private sector in general, and of course, the provincial governments, to talk less about jurisdiction and more about practical ways of building a First Nations economy."[140] Wanting to see First Nations more involved with the private sector, and less dependent on INAC, government has also been active in building links between industry and communities as part of this overall initiative. While the modern role of INAC is largely that as a "hands-off" funding agent, it also plays a "hands-on" advocacy role, most notably promoting First Nation labour and enterprise to the corporate community. It does this by building Aboriginal economic capacity (e.g. through education and small business initiatives). It also does this by encouraging First Nations to seek and take advantage of market opportunities, working concertedly to promote a co-operative relationship between industry and First Nations. In the recent past, there have been interventions by the governments on behalf of First Nations to

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139 Ibid.

promote First Nation participation in resource development projects. According to one INAC official, "I guess from our perspective one would say it was a bit selfish - we wanted those communities to get the jobs and the contracts and the opportunities."[141]

As government encourages Aboriginal economic development and offloads responsibility for social programming, speculation is raised over the extent to which devolution functions also as a strategy not only for fiscal restraint and individual self-reliance but also for unfettered resource development. With land claims monies in hand, Aboriginal communities are encouraged to improve their social and economic status by participating in resource development projects. Furthermore, as land claims monies are often not sufficient to cover operating costs, First Nations are also encouraged to seek out private sector solutions to funding, capacity and program deficiencies. For instance, as First Nations engage in new social directions, like welfare reform, their relationship with staples producers is critical to the resolution of welfare dependency. As one corporate official remarked, "The best social program is a good job." [142] The idea is that with a combination of corporate support and Aboriginal enterprise it is possible to generate more jobs which, in turn, mean less unemployment and less welfare spending in the communities since wage-labour is closely related to the question of welfare.[143]

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140 Paul Barnsley, "Interim overhaul of Indian Act planned" *Windspeaker* 18:10 (February 2001), 1.

141 Federal Government Representative, *Interview with author no. 30* (Edmonton, AB: June 6, 2000), 6.

142 Syncrude Representative, *Interview with author no.24* (Fort McMurray, AB: May 8, 2000), 5.

143 Michael Asch, "The Dene Economy," In Mel Watkins, ed. *The Dene Nation:The Colony Within* (Toronto: University of Toronto Press, 1977), 56.

The neoliberal logic supporting the Aboriginal-corporate relationship is simple: "It is all about a healthy economy is going to make a healthy society."[144] To that end, many First Nations have expressed the belief that if only they had jobs, their problems would be solved. However, the fact remains that jobs alone will not eliminate the social problems that typically plague a First Nation community.[145] Instead a combination of jobs, access to capital, institutional support, community healing and training are necessary. Still, job-creation remains an important step towards the development of economic self-sufficiency for First Nations in the new political economy. With Aboriginal people now projected to comprise half of the workforce (50%) in the province of Saskatchewan in the next few decades (and Manitoba is not far behind) the Aboriginal labour force potential draws a lot of attention from government and industry alike.[146] In addition to business development programs, there are human resource development projects and training programs designed specifically to assist Aboriginal people in gaining employment. But for many, especially for a generation of young Aboriginal workers who have been historically shut out of the labour force, the greatest disincentive to employment is not only the absence of skills but, quite simply, the absence of jobs.[147] This is why there is a need for First Nations to develop comprehensive business plans, manage existing funds, develop management and infrastructure capacity, and partner with the private sector.

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144 Syncrude Representative, *Interview with author no.21* (Fort McMurray, AB: May 5, 2000), 10.

145 In Nunavut, Charlie Lyall, president of the Kitikmeot Corporation explains "There's despair, there's suicide, there's alcohol and drug abuse, there's wife abuse because of no jobs." CBC, "Ottawa backs northern development plan", (August 17, 2001), http://cbc.ca/storyview/CBC/2001/08/17/nunavut_dvlpmnt010817.

For example, The K'atlodeeche First Nation (KFN) received $441,000 in 2001 through the Indian and Northern Affairs Canada Regional Partnerships Fund to build new and renovate existing infrastructures of the KFN Industrial Park in Hay River.[148] Improving infrastructure is critical as Northern communities seek to diversify their economies, meet the demands of a booming economy and improve the quality of life for their citizens. According to KFN Chief Pat Martel the Government of Canada agreed to fund this venture because it promised to "create local jobs and provide new economic development opportunities for the region in the oil and gas industry."[149] The expectation was that business and employment opportunities would become available to members of the regional First Nations of K'atlodeeche, West Point, Kakisa, Fort Providence and Fort Resolution.[150] Federal support for this project clearly demonstrates the government's willingness to invest in infrastructure that facilitates Aboriginal market participation and development of the resource sector.

But to what extent does the resource industry provide a vehicle through which a wage economy is available to northern Natives? According to Asch, whether or not wage employment is secure anywhere in Canada in this day and age, given our economic system is immaterial. The specific concern, he notes, is that there is no guarantee that

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146 John Ralston Saul, "Rooted in the power of three," *Globe and Mail* (March 8, 2002), A15.

147 Brodie, *Politics on the Margins*, 59.

148 CBC, "Ottawa backs northern development plan," (August 17, 2001) http://cbc.ca/storyview/CBC/2001/08/17/nunavut_dvlpmnt010817.

149 Department of Indian and Northern Affairs Canada, "New Economic Development Funds For First Nations Create Access to Oil and Gas Industry," (March 5, 2002), http://www.ainc-inac.gc.ca/nr/prs/j-a2002/2-02120_e.html.

150 KFN hopes its plan will create 53 full and part time jobs.

employment in the petroleum industry will be secure over the long-term. Here he is quoted at length:

> Just as the fur trade's viability depended upon the availability of furs and a high world market price for them, so does the viability of petroleum development depend upon the availability of oil and a high world market for it. But what happens, for example, when the resource gives out, or if we in the south find a cheaper [or more environmentally sound] source of fuel in the next decade or so? What happens if the world market price of petroleum products declines to a point where it is uneconomic to exploit and transmit northern oil and gas to southern markets? The answer is obvious. The petroleum corporations, just like the fur traders before them, will pull out. But what will happen to the native northerners when this does occur?[151]

Asch raises some important concerns about resource development and Aboriginal economic opportunities that exist in many communities involved in these circumstances. But, this is the point where modern self-determination arises. Even if the economy is unstable (whether modern or traditional – given the fluctuation in fur prices) what counts with self-determination is that it gives First Nations more ability than they formerly had to decide how they will respond to the kinds of uncertainties that economic life presents. Moreover, as communities seek solutions to the potential increase in dependence many use the *bottom-up* approach to making the economic engine community-driven instead of state-driven or industry-specific. The development of diverse economic strategies is an integral component of this approach as First Nations increasingly seek to take advantage of economic opportunities associated with local resource development. The economic challenge remains for Aboriginal people to find profitable niches in markets that are not

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[151] Asch, "The Dene Economy," 59.

already filled or dominated. This is difficult given the nature of capitalism which contains a tendency towards monopolization and centralization.

3.3 Social Class and Stratification

Traditional notions of class suggest that it is determined by the ownership (or non-ownership) of the "means of economic production" (i.e. those groups who own factories, farms, coal mines, raw materials etc...). The concept of "class" refers to a coherent group looking after its own interests. Marx referred to the owners as capitalists and the workers as the proletariat. This categorization of social classes provides not only an accurate description of the conventional differentiation in social economic relations but offers a potential explanation as to how market oriented self determination may affect Aboriginal communities in the new political economy.

The use of class as a framework for analysis is important since any political economy analysis of Aboriginal self-determination must be "grounded in the consideration for native peoples' struggle for subsistence and survival under changing material circumstances."[152] Historically, state and corporate economic practices have left most Aboriginal people out of any processes that might create wealth or social well-being. According to Green and Voyageur, "neoliberal practices have done nothing to change this."[153] They suggest that Aboriginal people in Canada remain marginalized from mainstream social and economic life. The implication is that neoliberal policies and

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152 Wotherspoon and Satzwewich, *First Nations,* 13.

153 Joyce Green and Cora Voyageur, "Globalization and Development at the Bottom", in Marilyn Porter and Ellen Judd (eds.), *Feminists Doing Development: A Practical Critique* (London and New York: Zed Books, 1999), 144.

processes that provide an unobstructed environment for resource exploration and development do not alleviate the socioeconomic disparities that exist between mainstream society and First Nations. Instead, neoliberalism fosters stratification potentially within and certainly among First Nations as economic development strategies are accentuated.

The contradiction for many Aboriginal people is that while the status quo of dependency and underdevelopment is no longer acceptable, a future characterized by the further penetration of capitalism into their lives may also be unacceptable.[154] In many communities there is internal difference over strategies of economic development as they have their own debates about the issues of meaningful self-determination. Within these debates voices arguing land is a resource to be exploited for economic progress have become stronger. For many, including a growing Aboriginal business elite, self-determination only succeeds if it prepares a community to be self-sufficient to compete in the global economy.[155] They suggest that self-determination must seek not only to meet immediate, regionally-specific needs, but also to contribute to a wider vision of growth and well-being. A tenable vision for growth must strengthen the community's position within the global economy. The way to achieve this goal is through participation in the

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154 See Gabrielle A. Slowey, "Globalization and Self-Government: Impacts and Implications for First Nations in Canada," *American Review of Canadian Studies.* 31,1and2: 276.

155 According to Adams, the members of the business elite are not interested in developing or improving Native communities. Instead, he insists that "their objectives (are) to suppress the masses, make corrupt deals, and to manipulate government grants." He adds that those who remain in control of the community, either as Chiefs or respected businessmen, do not necessarily represent the people. This author does not allege, however, that all chiefs or Aboriginal business men/organizations act in this manner. See Howard Adams, *A Tortured People* (Penticton, B.C.: Theytus Publishing, 1995), 182.

global capitalist economy.[156] For many First Nations this begins at the local level since international resource development companies operate in their backyards.

The decision to develop a modern economy based on renewable resource exploitation is laden with issues of class that are complicated by issues of status which are remnants of colonialism. As a sub-national group Aboriginal people are seen primarily as a responsibility, not a class, a view that has eclipsed any real analysis of class relations that outlines how Aboriginal people fit into the new paradigm. This is problematic only to the extent that some continue to think of Aboriginal people as a collective underclass, separate from the traditional class relations set out in European society.[157] They have been considered as part of the "lumpen proletariat" or a vast army of reserve workers, existing only to be exploited by non-Aboriginal owned and operated multinational corporations. Nevertheless, class relations are omnipresent and, Adams adds, are of value, not only to understanding the dynamics of capitalist societies, but also those of Aboriginal society as issues of class are subtly "intertwined with other social conditions, like the distribution of housing, incarceration levels, the availability of health care and education."[158]

Class is an important factor to consider when examining how the state and capitalists seek to reconfigure their relationship with Aboriginal people through self-determination. For instance, income levels of individuals who live in Fort Chipewyan but

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156 Institute on Governance, *Understanding Governance in Strong Aboriginal Communities*, 11.

157 By way of example I point to a recent article in the *Globe and Mail* in which John Ibbitson wrote: "we have other problems, arguably none more worrying than the growing aboriginal underclass." John Ibbitson, "Only revolution can reform native housing," *Globe and Mail* (April 9, 2003), A10.

158 Adams, *A Tortured People*, 120.

work in the tar sands are substantially higher than those who remain in the community and remain dependent on seasonal employment or government assistance. To elaborate, the influence of income in Fort Chipewyan is mitigated by the challenge to outward migration that has been offset by the "fly-in/fly-out" program. This program, sponsored by Syncrude, ferries workers back and forth from Fort Chipewyan to Fort McMurray in which the company provides air service to those who wish to maintain a permanent residence in the community. While recognizing the great expense associated with the program, the company feels that it is assisting the community, by not only providing job opportunities locally, but protecting the integrity of the community and Aboriginal culture located therein, as well as effectively redistributing income. According to company officials, "we don't want to decimate the community. And we want those skills and that sort of affluence, if you will, to go back in to the community in terms of wages."[159] Yet, the increase of material wealth is not shared equally but specifically at an individual level, dividing band members even further apart by accentuating already acute levels of financial disparity.

Since class dynamics figure prominently in social transformation, and as self-determination is an important tool in that process, it is important to recognize how the interests of the state and capitalists are conferred upon new, burgeoning Aboriginal elites through new enterprise and investment opportunities. Additionally, as Aboriginal communities explore resource development as a means of economic development, they too are exposed to the fluctuations inherent in market demands and international

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159 Syncrude Representative, *Interview with author no. 21* (Fort McMurray, AB: May 8, 2000), 6

pressures.[160] In that regard, Aboriginal economic development predicated on staple production may inhibit the realization of self-generating Aboriginal economies. As Innis noted, the elasticity of Canada's political, economic and social structure cushions the blows of cyclical resource development and allows it to adapt. It is possible that self-determination may similarly provide a cushion for Aboriginal communities.

3.4 Conclusion

Challenging the notion that state development strategies and neoliberal imperatives drive Aboriginal policy, Cassidy writes that the "initiatives of Aboriginal people and their governments are the real basis of the energy for change and growth in the self-determination policy area and they should be treated as such."[161] Given the current climate of rapid social change and restructuring that we, as a society, are experiencing, Abele maintains that we must see indigenous nations as dynamic societies that continue to exist among us. She adds that "we need to recognize and understand the aspirations of those who seek change to protect their future and their way of life."[162] Anderson explains how First Nations today "are struggling to find a place in the new global economy that will allow them to achieve their broader objectives" which include greater control of activities on their traditional lands and an end to dependency through economic self-sufficiency.[163] What these observations suggest is that Aboriginal culture is not static and

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160 Glen Williams, "Canada in the International Political Economy," in W. Clement and G. Williams, eds. , *The New Canadian Political Economy* (Montreal and Kingston: McGill-Queens University Press, 1989), 118.

161 Cassidy, "Aboriginal Governments in Canada," 74.

162 Abele, "Understanding What Happened Here," 124.

163 Robert B. Anderson, "Corporate/Indigenous Partnerships in Economic Development: The First Nations in Canada," *World Development* 25:9 (1997), 1483.

can change as modes of production change. In other words, changing social values reflect changing circumstances. This explains, in part, why some First Nations are aggressively pursuing self-determination in the new political economy. What is absent in these and many analyses of Aboriginal self-determination however are theoretical considerations, structural and social explanations that provide insight into Aboriginal self-determination as it exists under capitalism, as it is driven by ideology and as it is rooted in material relations. It is therefore critical to assess the extent to which the business or bourgeois agenda is central, not only to international and domestic policy or Aboriginal policy but also to self-determination itself. To that end, this chapter has examined the historic hunger for resources that drives Aboriginal policy in this neoliberal environment. As neoliberal governments are concerned with political and economic development as a way to access and exploit resources, in this ideological environment Aboriginal self-determination is a very effective tool that can be used to meet the needs of the new political economy. But is it also an effective tool that can be used to meet the needs of an Aboriginal community?

As part of the new orthodoxy, self-determination brings a new perspective on the role of government in society and a new perspective on the role of First Nations in society. It further raises questions as to the potential for neoliberalism, and by extension globalization, to transform the lives of Aboriginal communities, Aboriginal people and Aboriginal institutions. Just as colonialism and capitalism are often treated as uniformly destructive to Aboriginal systems globalization is also considered to be detrimental to

Aboriginal self-determination.[164] But just as First Nations are not monolithic or unified in organization, neither are their perspectives on, or experiences of, globalization. For some, it may positively affect their quest for self-determination. For others, the experience of globalization may be a negative experience. And for others still, it may be any combination of both.[165] So how does it affect Aboriginal self-determination? Moving beyond theoretical concepts and assumptions is the only way to answer this question.

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[164] See Murray Angus, *"and the last shall be first": Native policy in an era of cutbacks.* Ottawa: Aboriginal Rights Coalition, 1990 (Project North). John H. Moore, *The Political Economy of North American Indians* (Oklahoma: Oklahoma University Press, 1993), 134.

Although Aboriginal people remain "outstandingly" heterogeneous – culturally, linguistically, economically and politically, making it difficult to refer to them in general terms, collectively, I prefer the term "Aboriginal" because it presents itself as the broadest, most inclusive term, taking into account Indian, Inuit and Metis.

[165] As Green explains, the term First Nations is "used by many status Indian communities, and by the Assembly of First Nations, to refer to either *Indian Act* bands, or the historic political and cultural entities that are now fragmented into bands by federal legislation." This definition is useful because it suggests that the term First Nation is a term developed by Indians to define themselves as nations as opposed to government-created bands. Joyce Green, "Canaries in the Mines of Citizenship: Indian Women in Canada," *Canadian Journal of Political Science* XXXIV: 4 (December 2001), 716.

Chapter Four

Self-Determination and the Mikisew Cree First Nation: The Political Dimension

4.0 Introduction

In this chapter, I begin the process of examining self-determination in its two dimensions, political and economic. While these dimensions are inextricably bound together in governance, it is necessary to analyze them separately. Doing so illustrates the complex relationship between neoliberalism and self-determination. Throughout this process, I focus on the experience of MCFN. The objective of this chapter is to investigate the impact of restructuring on Aboriginal governance by focusing on the ways in which Crown-MCFN political relations have been altered.[166]

To determine how Crown-MCFN relations have changed, this chapter concentrates on two central questions. First, has the span of Aboriginal jurisdiction changed? Second, has the federal government relaxed its control over First Nations? To answer these questions, this chapter traces Crown-MCFN relations through three temporal periods, post-Treaty 8, post-WWII, and post-TLE. This chapter compares and contrasts institutional authority and the oversight of Indian Affairs in each of these periods to demonstrate the link between global economic demands, state policy and modes of MCFN governance. Through this exploration it is possible to argue that shifts in Crown-MCFN relations correspond to broader shifts in the national and international

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[166] Janine Brodie defines "restructuring" as a "key word which refers to a prolonged and conflict-ridden political process during which old assumptions and shared understandings are challenged and are eventually either rejected or transformed while social forces struggle to achieve a new consensus..." Brodie *Politics on the Margins*, 15.

political economy.[167] Just as MCFN political and economic development has historically been shaped by global economic demands and the national development strategies, so too does MCFN self-determination fulfill the neoliberalism mandate.

To begin, it is necessary to return to the origins of the Crown-MCFN relationship which arose out of global pressures for resources, mercantilist trade and settlement. To chart the modern transformation of the Crown-MCFN relationship, it is necessary to trace the relationship back to its inception and formalization in Treaty 8, 1899. Critical to my argument, that contemporary neoliberal forces shape MCFN governing patterns and practices, is that Aboriginal-state relations have historically been, as they continue to be, shaped by shifts in the new economic order which legitimize national ideologies that in turn configure state-citizen relations.

4.1 Colonialism and the State: Laissez-faire

Globalization is a new word which describes an old process marked by the integration of the global economy that began in earnest with the launch of the European colonial era five centuries ago. Globalization, though it may be a new term, is an age-old process and one firmly rooted in the history of colonialism. One of Britain's most famous imperial spokesmen, Cecil Rhodes, put the case for colonialism succinctly:

> We must find new lands from which we can easily obtain raw materials and at the same time exploit the cheap slave labour that is available from the natives of the colonies. The

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[167] This strategy is similar to that used by Janine Brodie in her article exploring "The New Political Economy of Regions," in *Understanding Canada: Building on the New Political Economy* Wallace Clements, ed. (Montreal & Kingston: McGill-Queen's University Press, 1997), 240-261.

colonies will also provide a dumping ground for the surplus goods produced in our factories.[168]

As the process of global trade expanded rapidly during the colonial period, European powers extracted raw materials from their new dominions: fur, timber, fish from Canada; slaves and gold from Africa; sugar, rum and fruits from the Carribean; coffee, sugar, meat, gold and silver from Latin America; opium, tea and spices from Asia.[169]

During the golden era of international commerce the dominant ethos was that of laissez-faire capitalism, a classic liberal economic doctrine that was predicated on a distrust and hostility to government intervention in the operation of the marketplace. The 'magic of the marketplace' was left unencumbered by the laissez-faire philosophy which also provides an accurate description of the economic, social and administrative ideas and policy specific to this historical era. More specifically, Ellwood writes that the doctrine of laissez-faire capitalism, or classic liberalism, "held that the common good was best served by the uninhibited pursuit of self-interest."[170] It was that very doctrine of anti-interventionism which dominated nineteenth century social and economic policy.

4.1.1 The Crown-MCFN Relationship: Laissez-faire

In the early post-Confederation years of 1867-1885 the Canadian government, itself a colonial creation, was largely non-interventionist, participating selectively in the development of the new country. Its participation was encapsulated in the First National Policy (FNP) which was a series of regional-specific policies that functioned as an

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168 Wayne Ellwood, *The No-Nonsense guide to Globalization* (Toronto: New Internationalist Publications and Between the Lines, 2001), 13.

169 Ibid., 14.

important national development strategy. It was devised on the American premise of a new transcontinental economy, a strategy used to unite the former colonies in the union. The Canadian Government, in turn, embarked on a project to build a transcontinental railway, critical to the future economic growth of the nation.[171] This national policy, Brodie explains, was formulated in response to internal political pressure and to the demands of a changing international political economy. The Canadian state transformed the West into a "frontier for central investment, a market for eastern manufacturers and a source of supply for commodity traders" and it moved quickly to foster and establish the new east-west economy, conducive to private enterprise and international competition.[172]

Since the FNP had a westward bias, Brodie argues that "the government moved quickly to establish the power of the Canadian state over the territory."[173] She asserts that part of this strategy required the removal of Aboriginal people from their lands through treaty-making for white-settler immigration. This strategy originally ignored regions of the Northwest so that in the early post-Confederation period, 1870-1888, the Canadian Government expressed no interest in the Athabasca Delta region or the indigenous peoples who lived in the area. In fact, Fumoleau writes that the government refused "repeatedly to acknowledge any responsibility for the Indians inhabiting the desolate country."[174] As such, it was clear that the government was "simply unwilling to

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170 Ibid., 17.

171 Brodie *The New Political Economy of Regions*, 249.

172 Ibid., 250.

173 Ibid.

174 René Fumoleau, *As Long As This Land Shall Last: A History of Treaty 8 and Treaty 11 1870-1939* (Toronto: McClelland and Stewart Limited, 1976), 41. See also

enter into treaty" unless it was perceived as absolutely necessary.[175] Even though some Aboriginal leaders in Fort Chipewyan had expressed interest in a treaty to secure government assistance, during this time the government maintained a policy of "no-treaty-no-help." It even indicated that there would be no treaty in the Fort Chipewyan region until there was the likelihood of the country being required for settlement purposes.[176] Given the lack of government concern or attention toward the development of this region, McCormack writes "government policy was essentially one of laissez-faire in which territorial development was left to the initiative of private enterprise."[177]

4.1.2 Interventionist Interlude

Fumoleau notes that the laissez-faire attitude and approach of the government to the Fort Chipewyan region changed upon the discovery of what was then considered to be immense quantities of petroleum. Fumoleau reports that "the expense and obligation of a treaty with the Indians began to look minimal when compared to the enormous wealth to be acquired from them."[178] Prompted by the discovery and potential wealth from development as well as accompanying legal issues, the Government of Canada soon saw fit to enter into treaty negotiations with the inhabitants of the Athabasca Delta region including Cree (MCFN) and Chipewyan (ACFN) people of Fort Chipewyan. Hence, according to Fumoleau, Treaty 8 must be viewed "in relation to the political and

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175 Dickason, *Canada's First Nations*, 373.

176 Fumoleau, *As Long As This Land Shall Last*, 41.

177 McCormack, "How the (North) West was Won," 168. Though McCormack in this passage is referring specifically to the Government's policy in 1920s and 1930s, it could also be used to describe its approach in this instance as well.

178 Fumoleau, *As Long As This Land Shall Last*, 41.

economic developments which were shaping the future of a young nation."[179] He elaborates that the decision to enter into treaty was due to a combination of key factors including sovereignty, economics and development. Primarily concerned with extinguishing Indian title to the land, "the Government was looking for tighter control over Indians and whites to insure peaceful settlement and development of the land. Yet, in the North, as elsewhere in Canada, economic considerations far outweighed all others in the formulation of Indian policy."[180] The economic potential of the Athabasca Delta region was clearly identified in surveyors' reports as early as 1888 and indicated that the North was "floating in oil".[181] Predictions about the future potential for oil development in that area and the imminent concerns about the Klondike Gold Rush and all its attendant political, economic and social implications ultimately led the government to come to terms with its responsibilities in that region.[182]

Recognizing that an agreement with the Aboriginal people of the Athabasca area had to be made to ensure the peaceful opening up of the region for trade, travel, mining and lumbering, the government decided to enter into treaty with the Cree and Dene nations of Fort Chipewyan in 1899. MCFN leaders were apprehensive at first because they believed that making a treaty would lead to interference with their hunting and trapping upon which they depended for a living.[183] In light of its concerns, MCFN was given assurances that its access to traditional lands would not be restricted and it would

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179 Ibid, 46.
180 Ibid., 50.
181 Ibid., 39.
182 Ibid., 51.
183 McCormack, "How the (North) West was Won" 88.

be able to continue subsistence hunting unimpeded. Consequently, in 1899 MCFN agreed to enter into treaty with the primary aim of preserving its subsistence economy, to protect its way of life, its traditional mode of production. The treaty surrendered Aboriginal sovereignty over the region's lands in exchange for a number of promises from the government. These promises included payments in cash and goods, the right to fish, hunt and trap in certain areas, access to education and medical services, and the agreement to create reservations in the future.[184] Only because of the significant potential for future resource development did the Government of Canada briefly abandon its laissez-faire approach. Even if MCFN previously sought to enter into treaty, the Canadian state was committed to a policy of proceeding with northern treaties only when the land was required for non-Aboriginal use. The state thus held the power to decide if and when treaty discussions would take place.

Treaty 8 had two significant political effects. First, it provided for the political segregation of the local indigenous population by creating legal entities called "Indian Bands" which was instrumental in establishing separate and distinct administrative units. Although the federal government had previously made a formal division between Indian and non-Indian under the terms of the *Indian Act* 1876, the process of treaty-making with the local native populations marked the beginning of the formalization of political, social and economic distinctions within the region between treaty and non-treaty Indians.[185]

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[184] Adams, *A Tortured People*, 10.

[185] More specifically, at this time, the Métis who lived in the settlement and who opted out of Treaty 8 were under provincial jurisdiction so that they were not afforded the same treatment as Treaty Indians in the community. For instance, they had no promise of health care nor did they have reserve lands. In terms of education, there were no subsidies for Métis children. Yet, the Métis, because of kinship ties and for

Second, given the government's obligations under the terms of the treaty, there could be no doubting the potential scope for federal involvement or the scope of federal jurisdiction over MCFN land. Although the federal government was already assigned responsibility for "Indians", in s. 91 (24) of the *Constitution Act, 1867*, under the auspices of Treaty 8 the federal government assumed more control by virtue of the fact that it promised to provide certain social programs and political immunities.

What is of significance therefore is the fact that in the early post-treaty years the government refrained from overextending itself in the sphere of MCFN governance, restricting its involvement to the minimal oversight of local affairs primarily through the imposition of federal hunting regulations. Despite the formalization of the Crown-MCFN relationship under the auspices of Treaty 8, traditional MCFN governance was largely unaffected.

4.1.3 Return to Laissez-faire

The supervision of MCFN by the government in the early post-treaty years can be described as fairly lax. Federal focus remained primarily on the restriction and regulation of hunting and trapping that was designed to support the economic initiatives of entrepreneurs in the region. The treaty itself represented an exceptional and limited interventionist move on the part of the federal government to deal with a potential impediment to imminent settlement and resource development. Yet it had no obvious

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economic reasons, like the Cree and the Chipewyan, lived off the land so that in the early days it was difficult to determine their exact numbers so that, in spite of legal distinctions imposed by Treaty 8, there was considerable fluidity in band memberships with persons and families "living the Indian mode of life"

impact on MCFN governance and traditional leadership persisted into the post-treaty years. During this period, MCFN remained fairly independent, making its own decisions, until government authority was eventually imposed through various agents who were deployed into the region to enforce state regulations.

Traditional Aboriginal governance was effectively provided for and accommodated through variations of band council governance mechanisms. As Dickason explains, in 1900 there were four systems of band government: the three-year elective (Indian Act), the one-year elective (Advancement Act), hereditary (the North) and appointment (mainly in the prairies).[186] Under this regime, some bands on the prairies, Dickason writes, "were allowed to continue selecting their chiefs by their traditional methods. The department, in approving the chiefs so selected, regarded them as appointees."[187] In other instances, bands simply elected hereditary chiefs as a way to circumvent the imposition of new norms and procedures and maintain traditional governing practices. According to McCormack, MCFN traditional leadership endured and was provided by those who were good hunters and who could provide for the group.[188] Over time, however, traditional Indian authority and leadership were undermined through increased control and authority of the Indian agent.[189]

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were often added to Treaty rolls. An important result of the Treaty, therefore, was the division of local indigenous groups which would facilitate the federal government in exercising control over them.

186 Dickason, *Canada's First Nations*, 321.

187 Ibid.

188 McCormack maintains that traditional leadership was not originally threatened by the federal government but by depletion of fur and food for trade and subsistence living. McCormack, "How the (North) West was Won," 350.

189 Ibid, 349.

In effect the Indian Agent had two main roles. First, the agent functioned as the broker or middleman between Ottawa and Fort Chipewyan. This role required the agent to relay requests brought forward by the chief to superiors in Ottawa where decisions were made. Second, the Indian Agent was assigned the task of implementing programs designed to accelerate Aboriginal assimilation. To that end, the Indian Agent attended to certain administrative duties that included providing limited social assistance (e.g. deciding who would be sent away for medical treatment). In short, the level of control and responsibility assigned to the Indian Agent was significant in transforming the role, from broker into the more encompassing and powerful role of patron.[190]

As McCormack explains, despite their potentially powerful role until 1932 the Indian Agent in Fort Chipewyan did not intervene significantly in local affairs. This means that prior to 1932, MCFN was left largely unhindered by government agents and its governance remained unimpeded with the rare exception of the enforcement of criminal statutes and, after the formation of Wood Buffalo National Park (WBNP) (1922-26), hunting and trapping violations. Even after 1932, when an Indian Agent was finally installed in Fort Chipewyan, "the reality of his situation was that he was isolated in a northern community where he had considerable range for interpretation of departmental directives."[191] This meant that the Indian Agent, who was intended to function as the critical link between the federal government and MCFN of Fort Chipewyan, as well as between other federal agents and MCFN, had a significant degree of autonomy and latitude which enabled him to promote and protect Cree values and traditional ways of

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190 Ibid.

life. This autonomy, in some instances, enabled the Indian Agents to work consciously against government directives, working to ensure that MCFN would be able to remain in the bush and not be forced into the town settlement where they would have to live with the agent's assistance.[192] For example, initially the Agent upheld the right of MCFN to hunt and trap within the boundaries of the national park. A significant effect of Indian Agent intervention therefore was the protection and promotion of the fur trade economy and the trapper lifestyle, though as these sources of subsistence began to dwindle in later years, the independence once fostered was transformed into dependence.

To sum up this period, in spite of the formalization of the relationship between MCFN and the government as a result of the treaty, the government's attitude at the beginning of the 20th century is also described as one of neglect since in the early post-treaty years there was very little interference with the lives and traditional modes of MCFN.[193] Though the treaty provided for the education of its signatories, and treaty commissioners promised additional medical assistance as well as the right to fish, hunt and trap (subject to some regulation), the general lack of government intervention corresponded with the overarching laissez-faire approach to social policy and economic development which was dominant during this period. Yet it was in this formative era that global demands for resources coinciding with national demands for settlement and economic development led to the formalization of the Crown-MCFN relationship. In

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191 Ibid.
192 Ibid., 278.
193 deCardinale, *Fort Chipewyan,* a-22.

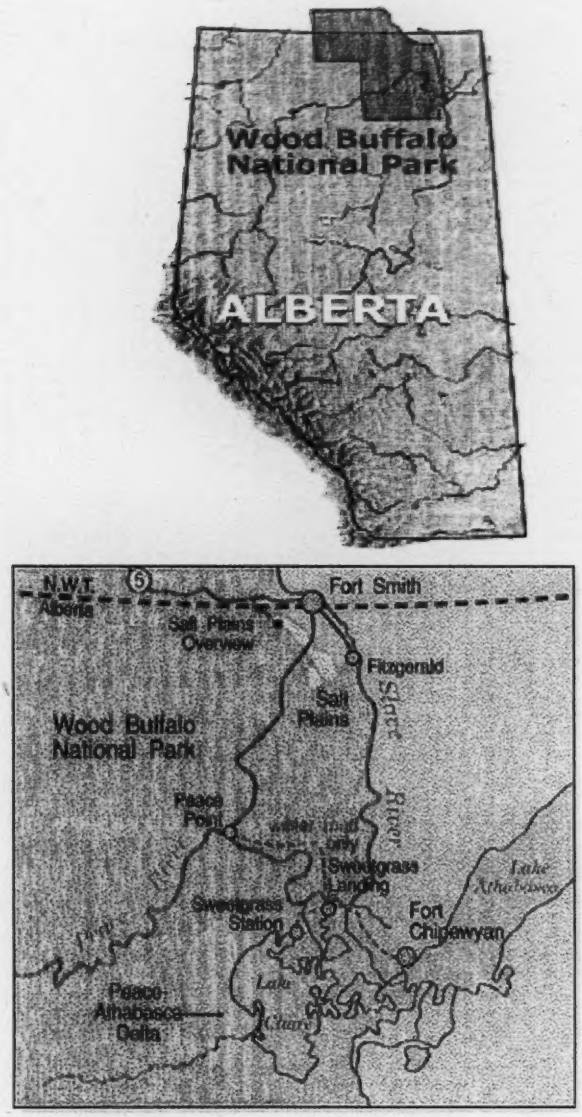

Figure 3: Wood Buffalo National Park

effect, the treaty extended the role of the state and its responsibilities to MCFN and thereby legally expanded the span of federal jurisdiction over Aboriginal people. At the same time, it began an accelerated process of decreased independence and increasing

dependence on government agents despite the fact that the Indian Agent was, at the outset, an ally in the preservation of the MCFN way of life. So it was that, in the early post-treaty years, MCFN enjoyed minimal government interference and minimal government involvement.

4.2 Post-WWII: Expansion and Intervention

Prominent thinkers of the postwar era showed a profound distrust of the market economy. In the wake of the Great Depression of the 1930s, scholars like the economist John Maynard Keynes struggled to find a way to control global markets "by making them work for people and not the other way around."[194] In his famous work, *The General Theory of Employment, Interest and Money* published in 1936, Keynes argued "that the free market, left on its own, actually creates unemployment. To 'prime the economic pump', Keynes suggested that governments intervene actively in the economy."[195] According to Ellwood, Keynes reasoned that business owners and rich investors

> were unlikely to open their wallets if the prospects for growth looked dim. When the economy was in a tailspin it was up to governments to act and step in by spending on public goods like education, health care, job training, roads, dams, railways [and] by wading in with direct financial support to the unemployed through social transfer payments like welfare and unemployment assistance.[196]

Even if governments had to go into debt to spark economic growth, Keynes advised politicians not to worry because the price was worth it. As the war wound down, government policy makers who wanted to ensure a smooth transformation to a peacetime economy embraced the Keynesian solution of an interventionist state. It was Keynes'

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194 Ellwood, *The No-Nonsense Guide to Globalization*, 25.
195 Ibid., 26.

radical notion to which governments turned in an effect to set their economies back on a steady keel.

4.2.1 The Crown-MCFN Relationship: Northern Development

Post-WWII, the Canadian government abandoned its laissez-faire stance and began institutionalizing the notion of state planning and intervention in the economic and social spheres, regulating the economy in accord with the tenets of Keynesian economics.[197] Changes in the global economic order required changes in government responsibilities. During this period of the Second National Policy (SNP) a number of separate policies combined to form a new model of economic growth and development. This was primarily achieved through a central but different role for the Canadian state.[198] Through increased social spending, the government moved to dramatically alter its role in society. Through this plan, government also intensified its intervention in the lives of Aboriginal people through expanded jurisdictional control and applied authority.

Though somewhat removed from the war itself, Aboriginal people were not isolated from the postwar development effort. A new era of government expansion led to new ideas about the role of Aboriginal policy. More specifically, in the postwar era, the purpose, goals and responsibilities of government changed focus; the "integration and equality of opportunity became the guiding themes of new Indian policies throughout Canada, including the north."[199] The new focus included improving the physical

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196 Ibid.
197 McCormack, "How the (North) West was Won," 257.
198 Brodie, *The New Political Economy of Regions*, 253.
199 McCormack, "How the (North) West was Won," 400.

conditions of people who were to become the northern labour force and it justified new social spending. Government efforts to regulate economic development and the economy were primarily achieved through the assistance of private enterprise and redistribution of income. Social programming was ultimately designed to open up northern regions for exploration and exploitation to incorporate it into a postwar economy supported by "generous government investment and subsidy to stimulate the exploitation of northern resources."[200] McCormack writes that, during this time, the "federal and provincial governments had different interests and projects, but all were motivated by similar considerations, and there was convergence between their diverse efforts."[201] Ultimately, as the federal government sought to shift its national vision to the north and initiate a second stage of national expansion so too did the province of Alberta seek to open northern regions to exploitation and expansion.

McCormack explains that critical to this expansion was state intervention. First, it encouraged industry to move into the region. Second, it legitimized this policy through policies of economic, political and social development.[202] These combined measures to create a northern labour force to work for these new industries were reflected in various Aboriginal policies that intended to persuade Aboriginal people to abandon bush life in favour of settlement in administrative centres supported through social programs where they could acquire education and find jobs as the source of their livelihood. The development of institutions to support this project was required and government played a

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200 Ibid., 399.
201 Ibid., 401.
202 Ibid., 400.

major role in this process. McCormack explains that "in 1953 Parliament created the Department of Northern Affairs and National Resources which was designed to give more emphasis to the importance of northern Canada and its economic development."[203] This era was marked by a shift in focus from one of minimal government oversight to one of accelerated intervention designed to rapidly develop the national, northern and Native economies. The underlying focus on the protection and assimilation of the native people, Dickason argues, led to increased control rather than development as Aboriginal initiative and enterprise were stifled, ensuring a high degree of poverty and dependence.[204]

4.2.2 The Indian Agent

A critical intermediary in the expansion of federal control and jurisdiction was the Indian agent. Though an Indian agent had resided in Fort Chipewyan since 1932, as McCormack explains, the agent in the community had few tangible resources to use in building their influence with MCFN.[205] The process of transforming MCFN governance began in earnest, when the Indian agent first took up residence. In subsequent years, the various activities undertaken by the Agent began to significantly undermine traditional leadership and authority. In many ways, the Indian agent eventually became a "super chief" as a result of all the duties accrued and expectations associated therein.[206]

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203 Ibid., 411.

204 Dickason, , *Canada's First Nations,* 400.

205 McCormack, "How the (North) West was Won," 350.

206 Ibid., 370. By way of example, McCormack explains how band members' overtime became increasingly frustrated with government's increasing restrictions in Wood Buffalo National Park. They blamed their chief for not stopping the restrictions and for not asking for enough relief. Yet, it was ultimately not the Chief's fault and it was noted that such discord resulted from "the increasing powerlessness and economic problems of the Indians and consequent increased dependence on government agents." As McCormack explains, the Chief "was in the unfortunate position of mediating between

It was the Indian agent who would ultimately support and assert the ideologies, policies and goals of his superiors and transform policy and directives into a local plan of action.[207] Jack (Jock) Stewart was one such agent. Appointed to Fort Chipewyan in 1944, he became a powerful patron within the community. The archetypal "super chief" Stewart was particularly influential because he spoke the local languages and was knowledgeable of the area, having formerly served as a park warden. Stewart's influence was also acute because of the simple fact that he served as the last Indian Agent in Fort Chipewyan. His service ended in the late 1960s when MCFN and ACFN took the reins from him.[208] During his tenure, Stewart functioned as an integral part of the social relations of the community and worked effectively to influence cultural change in specific directions.[209] In accordance with persistent and underlying federal objectives towards the assimilation and deculturation of Aboriginal people, the powers of the agent grew so that Stewart performed four main roles as Indian agent. First he continued to function as the broker or mediator between government and MCFN. In this capacity, he mediated disputes with the park administration and warden service as well as conveyed information about park regulations and trapping restrictions to MCFN. He also advised MCFN of their rights and attended trials, often speaking on their behalf, indicative of the significant level of trust he enjoyed in the community, particularly in relation to other government agents.

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members of the band and various government agencies over which he had no influence." So we see at this early juncture the rapid demise of Aboriginal authority under the expanding power of the Indian Agent.

207 Ibid., 349.

208 According to McCormack, his service lasted more than 20 years, ending in the late 1960s. Ibid., 357.

Second, he continued in the tradition of providing social assistance to the local people. It was in this role where substantial growth would occur and dependency would be cultivated. For example, he decided which people should be sent out of the community for medical treatment and which people should be referred to the local mission to be seen by the nurse. But Stewart's role in terms of providing social assistance extended to include the provision of shelter and financial/income assistance to the community.[210] For instance, in 1945 Indian Agent Stewart began to dispense the family allowance and Old Age Security benefits. To qualify for family allowance, children of Aboriginal families had to be attending school and living at home in the settlement. This economic incentive marked the beginning of mothers leaving traditional bush settlements and taking up residence in Fort Chipewyan.

As MCFN members moved from the bush to the town, Stewart's influence expanded further to include a third and important role of developing the infrastructure and facilities needed to run various programs. For instance, to meet growing housing demands, Indian Affairs began its residential housing program in 1958-1959.[211] Government funding provided for the construction of the houses that met certain minimal standards and favoured the building of houses in the settlement where services were already available. Through this program, as deCardinale explains, Indian Affairs became the principal landowners of Crown lots in Fort Chipewyan on behalf of MCFN

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209 Ibid.

210 McCormack writes that though "Stewart was willing to provide interim social assistance in limited amounts to status Indians he preferred to help his charges find employment as an alternative to the fur trade" McCormack, "How the (North) West was Won," 410.

211 deCardinale, *Fort* Chipewyan, a-34.

members.[212] In 1955 Stewart introduced state health care to the community when nursing services were set up and run out of the Indian Affairs office.[213] Shortly thereafter, in 1958, the first health center/nursing station was established. The result was that MCFN people shifted their residence to Fort Chipewyan to access important and much-needed medical, educational and financial assistance provided through Indian Agent Stewart.

Stewart's fourth and final role was to foster MCFN education. According to Vermillion, although the federal government became responsible for the education of Aboriginal students through the treaty signing, it was virtually absent in Fort Chipewyan until the 1940s.[214] It was at that time when Indian agent Stewart became an important tool in promoting education for Aboriginal children. As McCormack explains, "Education was the key to the government's postwar northern policy, and it was the major instrument of culture change for the Indians."[215] Fisher writes that this is because education played an important role in absorbing once independent commodity producers into the state as a dependent minority group.[216]

This new focus on education was soon followed by an amendment to the *Indian Act* in 1951 which made education compulsory.[217] With increased federal government activity in the education realm, the 1950s saw their direct involvement in the local administration of education. The result was that education in the community was

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212 Ibid., a-34.

213 Ibid., a-22.

214 Roy B. Vermillion, "Understanding Our Past to Plan for the Future: A Case Study of Cree Education in Fort Chipewyan" (MA Thesis: UBC, 1991), 24.

215 McCormack, "How the (North) West was Won," 359.

216 A.D. Fisher, A.D., "A Colonial Education System; Historical Changes and Schooling in Fort Chipewyan," *Canadian Journal of Anthropology* 2:1 (Spring 1981),43.

217 Dave DeBrou and Bill Waiser, eds., *Documenting Canada*, 448.

secularized when in 1958 the Department of Indian Affairs built a public school adjacent to the mission school. Because education was (and is) a provincial responsibility, eventually, in 1960 the Province of Alberta established Northland School Division no. 61 (NSD no. 61) and assumed responsibility for its administration. This meant that the control and direction of education was moved from Indian Affairs in Ottawa to the Department of Education in Edmonton. The provincial government role in education delivery introduced an important element of federalism to the community.

In sum, the postwar era is significant in Crown-MCFN relations because it was during this period that the state expanded its control over Aboriginal people. Specifically, it was through Stewart that the Crown-MCFN relationship was fundamentally transformed. As an Indian Agent, he became important an instrument for social and economic change and exponent of the welfare ideology. Quoting R.W. Dunning, McCormack observes that the "consequence of intervention by the Indian Agent was [what R. W. Dunning termed] an interdependent system of Indian status persons and government administration."[218]

4.2.3 Preserving the Status Quo

The Aboriginal people themselves during this period were assertive politically but their

> best efforts to deal with their problems did not solve the dilemma they faced which was their lack of control over their means of production or over their institutions which has assumed this control and mediated between them and the outside world. The result was that the Cree were forced to act within a framework of White economic, political, and social domination which ruled out many possible solutions.[219]

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218 McCormack, "How the (North) West was Won," 348.
219 Ibid., 386.

McCormack explains that the legacy of the Indian agent was the establishment of the "patron-client relationship between White agents and native clients."[220] The legacy also included the institution of government policies that promoted assimilation, paternalism and the notion of tutelage. The consequence was a weakening of horizontal Indian relationships with one another in favour of vertical relationships with Indian agent and led to dominant White and subordinate Aboriginal relationship.[221] This was significant because ultimately, with the departure of the Indian Agent from the community, MCFN and ACFN functioned as a single entity until 1978 and governed in a manner consistent with the client-patron relationship as well as within the confines of overarching welfare-state philosophy and approach to governance. It was thus that MCFN perpetuated the status quo when it ultimately took the reins from the Indian agent. As the federal government maintained control, MCFN continued to govern within the narrow parameters set out by the Indian agent and under the strict authority of the government. Government control remained intense during this era until the Crown-MCFN relationship was, once again, transformed with the settlement of MCFN's Treaty Land Entitlement in 1986.

4.3 Post-TLE: Neoliberalism

When the state initially began to change with the emergence of the fundamentalist free-market governments in Britain, the US and eventually Canada in the early 1980s, citizen-

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220 Ibid., 378.
221 Ibid., 371.

state relations changed dramatically. The idea *en vogue*, once again, was that the state should take a back seat to corporate executives and money managers. The overall philosophy was one of neoliberalism. Free trade, unfettered investment, deregulation, balanced budgets, low inflation and privatization of publicly-owned enterprises were trumpeted as the way to achieve national prosperity. In this latest era a new ideology required a new development strategy, a new approach to public-policy making and a new approach to the management of state-citizen relations. This shift would ultimately lead governments to renegotiate their relationship with Aboriginal people and settle outstanding claims that threatened the potential for economic growth and the stability of the development environment.

4.3.1 The Crown-MCFN Relationship: Neoliberalism

Canada embarked on a Third National Policy in the early 1980s that included hemispheric economic integration, market-driven development and a reduced role for the state, especially in the provision of social welfare.[222] As Brodie explains, "the new logic of the TNP is that nation-states must now abandon their role as buffer and force national economies to adjust to stark realities of the market and global competition."[223] Brodie observes that this required a hollowing out of the Keynesian welfare state to open up space for market solutions and the vision of a corporate-centred future. What is interesting about this process is the transformation of the state's role which did not

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222 Brodie, *The New Political Economy of Regions*, 255.
223 Ibid., 255-256.

diminish, as originally feared, but instead shifted, as evidenced in its policies promoting retrenchment.

Weaver writes that beginning "in the early 1980s alternative ideas about the relationship between First Nations and the state began to emerge in various forms of policy advice to the government."[224] The advice generated ideas that were the seeds for important political change as they lay the foundation for increased state retrenchment which, fortuitously, corresponded with Aboriginal pleas for a renegotiated relationship with the state. This new policy advice identified state intervention as an impediment to Aboriginal development and suggested it alter its relationship with Aboriginal people. This led the government, at both levels, to concentrate on the decentralization of power and control to Aboriginal governments. As one provincial official summarized, "the whole notion of delegating and bringing responsibility to the community level, that's good."[225] This, in turn, led to a new era in Aboriginal administration, one that saw a reduction in federal constraints and a corresponding increase in Aboriginal responsibility for program delivery.

The significance of 1980s was the advent of neoliberalism which functioned as the ideological impetus and led to this important paradigm shift, a "shift away from the tight control and hierarchical relationship to more recognition of Aboriginal communities

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[224] Sally M. Weaver, "A New Paradigm in Canadian Indian Policy for the 1990s," *Canadian Ethnic Studies* 22:3 (1990), 15. On page 9 Weaver writes that the policy advice flowed to the Government from a variety of sources including First Nation groups, government-appointed advisory groups, the media and academics.

[225] Provincial Government Representative, *Interview with author no.26* (Edmonton, AB: May 11, 2000), 28.

with rights of jurisdiction."[226] Though it can be argued that it was earlier, in the 1970s that the shift began in federal policy towards Aboriginal self-determination, neoliberalism is a more persuasive explanation for this change. Because it connects the shift in the government policy to global economic imperatives, the neoliberal agenda functions as an important explanation in our search to understand the latest policy direction of the federal government in the area of Aboriginal self-government and self-sufficiency.[227]

New directions in Aboriginal policy reflect new understandings. As it has become clear that Aboriginal problems are tied to federal and provincial policies that impede Aboriginal market participation, the removal of government regulations and restrictions is the obvious antidote. The new approach to Aboriginal policy reflects the notion that Aboriginal people can best redress their dependent condition. By changing the definition of the problem, from needing state protection to seeing the state as the barrier to Aboriginal market participation and socio-economic development, the shift in the direction of the policy, from paternalism to partnership, makes sense. New directions in Aboriginal policy also reflect demands from the marketplace to clarify ownership of resources, to enable resource development. State support for Aboriginal self-determination therefore reflects the quintessential neoliberal goals of minimal government interference and maximum market involvement. Hence there is a direct

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[226] Michael J. Prince and Frances Abele, "Paying for Self-Determination: Aboriginal people, Self-Government and Fiscal Relations in Canada," Conference Paper prepared for *Reconfiguring Aboriginal-State Relations, Canada: The State of the Federation, 2003* (Kingston, ON: Institute of Intergovernmental Relations, 2002), 9-10.

[227] Stephen Cornell and Joseph Kalt, "Reloading the Dice: Improving the Chances for Economic Development on American Indian Reservations," in Stephen Cornell and Joseph Kalt, eds., *What Can Tribes Do? Strategies and Institutions in American Indian Economic Development* (Los Angeles:

connection between the problems Aboriginal policy identifies and the goals government pursues.

Neoliberal logic compels governments to restructure their organization and reassess their priorities. In part, because of the reduction in bureaucratic personnel at the government level, there has been a serious deficiency in the ability of government to oversee and manage Aboriginal affairs. One federal official remarked how the department had been "downsized and downsized and downsized to various initiatives." He added, "I think it is fair to say that most [federal] departments are smaller then they need to be so as First Nations have a capacity issue I don't think you have to go far in any federal department to see people who are also stretched to their limit."[228] Though fewer qualified personnel performed a variety of tasks and found themselves over-extended, the bottom line remains that restructuring does not mean abandonment. When asked if INAC was trying to eliminate itself as a necessary department, one state official responded firmly, absolutely not. "I think that the government has finally realized that Indian Affairs is not going to close its doors next year because it is not a good idea. You can't dump and run programs in First Nations administrations without a lot of forethought."[229] So, while the federal government downsizes and eliminates its capacity to effectively manage First Nation issues, it does not abrogate its responsibility to First Nations. Instead, it honours its obligations by creating the conditions conducive to First Nations self-determination.

University of California, 1993), 5. Please note that this study is hereinafter referred to as "The Harvard Study."

[228] Federal Government Representative, *Interview with author no. 28* (Edmonton, AB: May 29, 2000), 5.

4.3.2 Resource Development and the TLE

State retrenchment is not simply reflective of a new direction in Aboriginal policy. There are other stimuli directing governments, both federal and provincial, towards the settlement of outstanding claims with First Nations, especially those based in resource-rich areas. For instance, returning to the all-important relationship between markets and government at both federal and provincial levels, one cannot overlook the correlation that exists between the TLE and increased resource development in Northern Alberta. As government concentrates on the management of big economic decisions, wherein they determine the rate of development of natural resources (which has been the essence of government policy since the nineteenth century), it is important to consider the extent to which the TLE functioned as an economic decision. Nowhere is this more evident then in the province of Alberta where support for the TLE was tied to ongoing support for resource development and a stable political environment that would facilitate resource expansion and increase important resource revenues. Compelling proof is found in policies of the Conservative Party which has governed Alberta since 1971. Their longevity created a political stability conducive to economic development.

Throughout its reign, Taft explains, the Conservative government of Alberta consciously sought to assist the private sector, fostering oil-related economic growth and wealth generation in which it has been incredibly successful. For example, in 1975, Albertans were receiving ten times the revenues from natural resources as other Canadians per person. In the 1980s this amount reached thirty times the per capita level

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229 Federal Government Representative, *Interview with author no. 30* (Edmonton, AB: June 6, 2000),

of other Canadians. Taft writes that from "1971 to 1994, resource revenues received by the Alberta government were worth $75.8 billion," reaching about $81.5 billion in 1995 and 1996.[230] Given the increasing demand for non-renewable resources and their function as a critical source of revenue for both the Canadian and Alberta government, one cannot overestimate the power of the TLE as an important stabilizing agent and economic development tool. It reflected the desire of governments, both federal and provincial, to increase revenues and relieve themselves of the potential for legal claims perhaps launched by MCFN that might deter foreign investment.[231] As one government report attests, "Unresolved land settlement issues create uncertainty around land and resource use and ownership, making it difficult to attract and maintain investment opportunities."[232]

The potential for an MCFN challenge to all-important energy revenue was, in fact, a serious threat that was tackled through the TLE. In the early 1970s, the federal government announced a new direction in Aboriginal policy. In the aftermath of the *Statement on Indian Policy* (known also as the White Paper) in 1969, the state formally introduced a land claims policy which expressed its interest in settling any outstanding land entitlements. Taking advantage of a new will to negotiate, MCFN put forward its

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230 Kevin Taft, *Shredding the Public Interest: Ralph Klein and 25 Years of One-Party Government* (Edmonton: The University of Alberta and the Parkland Institute, 1997), 115.

231 Gwyn Morgan, CEO of EnCana Corp. "The biggest single contributor to export revenue for this (federal) government and this country, the biggest single supporter of the dollar these days, is energy revenue." See Lily Nguyen, "Don't blame gas prices on oil patch: EnCana chief" *Globe and Mail* (February 21, 2003), B5.

232 Working Group on Aboriginal Participation in the Economy, *Strengthening Aboriginal Participation in the Economy: Report of the Working Group on Aboriginal Participation in the Economy to*

claim. Shortly thereafter, in 1973 a Treaty Land Entitlement agreement was reached between MCFN and the Federal Government in which MCFN would receive a total 97,280 acres, based on the standard Treaty 8 formula of 128 acres per person.[233] In August 1974 MCFN selected 42,000 acres at two locations in Wood Buffalo National Park (WBNP) and passed a band resolution in that same month requesting the Federal Government advise the Provincial Government of Alberta of its intention to select the balance of the 97,280 acres in the tar sands area of North-eastern Alberta.[234]

The inclusion of the Alberta Government in the TLE process was necessary by virtue of the 1930 Natural Resources Transfer Act (NRTA). Although WBNP remained under federal jurisdiction, land no longer required for National Park purposes automatically reverted to the provinces. Since the province was under obligation to provide land for reserves, provincial consent was essential for the return to Canada of lands needed to meet the terms of the TLE. Although it was the view of MCFN that the settlement of the TLE was primarily between the federal government and MCFN, it acknowledged that if pushed too far the province could "kill the deal" in which case MCFN would not achieve a settlement.[235] Hence, TLE talks had to proceed on a trilateral, not bilateral, basis.

Federal-Provincial/Territorial Ministers Responsible for Aboriginal Affairs and National Aboriginal Leaders (May 11, 2001), 9.

[233] Land was set aside according to the population count of 1972. R.D. Brown, "Letter to the Minister, February 6" (Ottawa: Indian and Northern Affairs, 1978).

[234] Robert Young, Cree Band at Fort Chipewyan – Land Entitlement," *Letter to Department of Indian and Northern Affairs, August 28* (Calgary, 1974), 1.

[235] According to federal documents, MCFN lawyer Bob Young "reiterated that he is of the view the settlement with the Cree Band should be primarily between the federal government and the Band, and that the Province's role would be minimal. He was assuming that, if pushed, the Province would kill the deal and the Band would not achieve a settlement." Bill Zaharoff, "Cree-Chip Treaty Entitlement: Negotiating

In February 1975 the Alberta Government acknowledged that it was prepared to cooperate fully in implementing the necessary land transfer to allow the establishment of reserves for MCFN. In spite of federal requests and assurances of action, however, the province did not provide the promised cooperation. The province then complicated the negotiating process by repudiating the use of contemporary population figures to determine the entitlement. It announced that it would only proceed "on the basis of population count at the time of Treaty signing and the retention unto the province of (all) mines and minerals."[236] According to federal officials, the decision of the provincial government to repudiate the deal "appears to have been partly motivated by Alberta's concern that the band had indicated an intention to select the remainder of their entitlement lands in the Tar Sands."[237] As Chief Waquan explains, "without any prior discussion, the province altered the fundamental terms of the settlement reached four years earlier."[238] Ultimately, the province's revised position led to an impasse. As the province remained steadfast that it was willing only to transfer 24,000 acres to MCFN, based on its population of 1899 and on the condition that MCFN accept the amount as its full and final entitlement, MCFN walked away from negotiations.[239]

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with Band October 12, 1982, " *Note to File: October 15* (Ottawa: Indian and Northern Affairs Canada, 1982), 2.

[236] Lou Hyndman, "Letter to The Honourable Hugh Falkner, October 2" (Ottawa: Federal and Intergovernmental Affairs,1978), 1.

[237] R.D. Brown, "Letter to the Minister, February 6" (Ottawa: Indian and Northern Affairs, 1978), Annex A.

[238] Archie Waquan, "Conviction and Persistence Pay Off" in *Into the New Millenium, Our Story: The Mikisew Cree First Nation*, Ron Selin, ed. (Edmonton: Western Communications Ltd., 1999), 16.

[239] It is important to remind the reader of the context in which these negotiations were set. The 1974 OPEC crisis had led to a global concern over the price of oil and gas. Then, in 1981 the federal government introduced the National Energy Program which outraged the province of Alberta. It was also during this time that tar sand production virtually came to a halt. After some time, the province of Alberta decided to

Despite the demise of the deal, the federal government continued to seek a positive resolution to the MCFN entitlement claim. The federal government maintained that although questions of population count and mineral rights, if pursued, would have to be a matter for determination in the courts, it was willing to work with MCFN to meet and fulfill its duties and obligations set out under Treaty 8.[240] Eventually, negotiations resumed in the early 1980s. At this point, the spirit of negotiations had changed. This was in large part due to the fact that MCFN had withdrawn its claim to the oil sands. Because the membership wanted a deal that would lay the foundation for the band's future economic self-sufficiency, and because the claim to the oil sands lands was at the centre of the impasse, MCFN leaders removed the oil patch lands from its claim and turned its attention to securing land (and cash in lieu of land) and the right to govern that land. In the band's view, "the goal of settling the outstanding treaty entitlement [was] to lay the foundation for the future economic self-sufficiency of the Cree Band" which required the resolution of a deal and not an enduring battle with the provincial government over the oil sands.[241]

At a meeting in Fort Chipewyan on May 6, 1982, the band presented a new set of proposals for a treaty entitlement to federal and provincial representatives. The *Principles and Proposals for Treaty 8 Entitlement Settlement* expressed a desire to participate in the economic changes taking place in the region and for that participation to be successful in

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negotiate on a bilateral basis with the federal government to repeal the NEP which was particularly damaging to its economy.

240 Lou Hyndman, "Letter to The Honourable Hugh Falkner, October 2," 1.

241 W.J. Zaharoff, "Cree-Chip Settlement Proposal Meetings May 6 and 7 1982," *Note to File: October 15* (Ottawa: Indian and Northern Affairs Canada, 1982), 2.

relieving dependency and poverty.[242] It also suggested that matters of social development be integrated with economic objectives and carried out concurrently with economic development. It explained how immediate "attention must be given to the planning, operation and delivery of programs, services and facilities to attack the real causes of our dependency and to prepare and assist us in the slow, lengthy socialization process needed if we are to successfully participate in and profit from economic development prospects."[243] In short, MCFN insisted that social, political and economic development were the band's priorities and the basis for negotiations. It linked economic self-sufficiency to increased levels of political autonomy which in turn was tied to increased capitalization.

At that time, MCFN Chief and council met with the Honourable Don Johnston, then Minister of Federal Intergovernmental Affairs and two Provincial Ministers. As one MCFN member noted, where once the Government of Alberta had appeared as its adversary, it now expressed support and interest in settling the treaty entitlement.[244] A new deal was reached that would provide MCFN with 24,000 acres of provincial crown lands outside of WBNP and guarantee the transfer of mines and minerals on these lands *so long as they were not the tar sands* [emphasis added].[245] An important obstacle to the timely settlement of the claim had been overcome by its willingness to omit the oil sands

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242 Fort Chipewyan Cree Band, *Principles and Proposals for Treaty 8 Entitlement Settlement* (Fort Chipewyan: Fort Chipewayn Cree Band, 1982), 27.

243 Ibid., 28.

244 "Where the Government of Alberta appeared as our adversary, the Provincial Government has recently expressed even more initiative and willingness to cooperate in settling our Treaty entitlement." Fort Chipewyan Cree Band, *Principles and Proposals for Treaty 8 Entitlement Settlement* (Fort Chipewyan: Fort Chipewyan Cree Band, 1982), 3.

from the claim. An important goal of the province had also been achieved as it was evident by its actions that it was interested not only in settling the claim but, in the process, also ensuring unadulterated resource development. The TLE was thus necessary to protect the integrity of Alberta's economy. With MCFN claims to the oil sands no longer at issue, negotiations proceeded in earnest.[246] The new deal promised to waive provincial reversionary rights on any federal lands (for instance, in WBNP) transferred to reserve status. It was at this point that MCFN insisted that the land claim deal would not be satisfied unless the federal government also met its additional demands for land and money, as the establishment of an economic fund was essential.[247]

In addition to the aforementioned list of demands, MCFN made further demands upon the federal government. First, it wanted a large portion of WBNP set aside as a reserve for its exclusive use and occupancy, to be managed in accordance with sound principles of wildlife conservation. The initial position on the land quantum was 1.9 million acres. Second, MCFN required a capital base from which to initiate economic ventures. Its prime concern at the time was the construction of a large tourist facility, including a hotel. Although a position on financial compensation had not been determined, Chief Courtoreille suggested it would be less than $100 million. Thirdly, MCFN wanted a Wildlife Management Board on the reserve. Finally, MCFN wanted the immediate transfer of 106 acres outside WBNP to reserve status that would come out of

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245 W.J. Zaharoff, "Cree-Chip Settlement Proposal Meetings May 6 and 7, 1982" *Note to File: May 27* (Ottawa: Indian and Northern Affairs Canada, 1982), 1. Emphasis added.

246 According to one provincial representative, the push for resource development is key to Alberta's economic growth. See Provincial Government Representative, *Interview with author no. 25* (Edmonton, AB: May 11, 2000), 5.

the Province's share and would function as the main community centre. MCFN also issued an immediate request for funding to pursue negotiations. It was from this list of demands that negotiations proceeded to culminate in a deal in 1986.[248]

In light of the connection between the MCFN claim to land in the oil sands and government interest in protecting its interests in those lands, it is clear that the issue of resource development was central to the TLE. It is also evident that the deal centred on ensuring that the oil sands lands remained intact and that resource royalties remained beyond the reach of MCFN. The significance of the MCFN claim to lands in the oil patch therefore cannot be underestimated. It was critical in terms of gaining government attention and generating provincial interest in the MCFN claim. The extent to which MCFN represented a potential obstacle to resource development was a significantly compelling cause for settlement.[249]

With government focussed on creating an environment conducive to the reproduction of capital and resolving problems that might deter foreign investment, the TLE represents an integral component of the neoliberal agenda. Moreover, the changes in governance following the TLE reflect the political climate of the period in which it was settled. With a new land base to govern, it was only a matter of time before the state began to transfer control over programs and services to MCFN. That the TLE marked a

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247 Ibid., 5.

248 I remind the reader that the TLE awarded MCFN 12,280 acres of land and $26,600,000, with the Government of Alberta contributing the land and $17,600.000 while the Government of Canada contributed $9,000,000. Land allocation included nine reserve sites, including one in the west end of Fort Chipewyan known as Doghead, a small reserve in the national park at Peace Point and one to the northeast of the settlement. The settlement also included hunting and trapping rights and re-affirmed 3 million acres in the southern portion of the Park known as traditional lands.

watershed in MCFN and led to the dramatic transformation of the community is thus irrefutable. This is most likely why it is identified by most MCFN members as the critical benchmark for their change.

4.3.3 MCFN After The TLE

Settling the treaty entitlement dominated the MCFN political agenda for years because the band perceived enhanced political control and capitalization as critical to achieving self-determination. Land entitlement issues were also linked to issues of economic self-sufficiency. Land was important because it provided MCFN a base from which it could govern. The money was also important, not for symbolic reasons but for the practical development of the economy and social programs. The cash infusion provided the community the necessary capital required to start up new business ventures as well as finance community development. Ultimately, the land and cash awarded in the TLE laid the foundation for important shifts in MCFN decision-making ability and accountability. The TLE thus marked the beginning of the transformation of MCFN governance and represented the best possible deal it could get at the time given the political and economic advantages it provided the community.

The TLE is of utmost importance for the next chapter which explores the economic changes towards self-sufficiency given the infusion of dollars that facilitate capital development. It is also important for this chapter, however, since the TLE provides the resources that enable some significant governance initiatives to occur. Since self-determination is economic as well as political it is important to recognize that the

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249 deCardinale, *Fort Chipewyan*, a-42.

TLE influence is directly economic and indirectly political. In other words, the settled claim is intimately tied up with self-government, not only in terms of Aboriginal ownership and control over lands and shared management of resources but in many other realms of governance including policy development and service delivery in fields such as health, housing and education.[250] The TLE is a critical factor in understanding the transformation of MCFN governance because it set the tone for further change. In the rest of this chapter I compare the amount of self-determination that was available twenty years ago with what is available now. What are the changes in governance? First and foremost was the development of a band philosophy which sought to promote economic development in conjunction with self-preservation and that reflected the values of individual responsibility and market solutions to social program delivery. Second, changes in governance are apparent in increased band autonomy over the design of social policy meaning more flexibility and less government scrutiny. Together, these changes have manifested themselves in new modes of governance that are guided by the Vision 2000, MCFN's vision of a new future.

To ensure that economic development takes place within the context of the community, the first important step was to articulate the goals and aspirations of the MCFN community.[251] To that end, in 1990 the Chief and Council held a workshop to discuss the future of MCFN. Several members known for their success in business, the

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[250] This connection between land claim agreements and self-governance is addressed by Graham White in "Politics and Government in the Territorial North: Familiar and Exotic," *The Canadian North: Embracing Change* (Montreal: Centre for Research and Information of Canada, 2002).

[251] Woods Gordon. *Cree Band - Ft. Chipewyan : initial assessment of economic prospects: final report* (Edmonton, AB: Woods Gordon, 1981), 1.

professions and the arts participated in a four day discussion. The outcome was the Vision 2000 mission statement, a unique feature of MCFN governance that reflects a market-oriented approach to socio-economic development. It does not appear that the vision statement was a strategic manoeuvre. Rather, it seems to be reflective of members' inherent sense of what was perceived, at the time, to be necessary to succeed in the new political economy. It demonstrates an ability on the part of MCFN members and leaders to think in neoliberal terms. Designed to guide MCFN actions and chart a course for the future, the vision statement reflects MCFN members understanding of the importance of self-sufficiency and self-determination, local ownership and authority, education, training, career development, healthy lifestyles and community participation, all of which mirror their underlying social values, "parallel [with] those of any other community."[252] Hence, Vision 2000 functions as a central feature of any analysis because it is a statement about what MCFN perceives to be important and how it defines success.

The mission statement represents the guiding principles for all MCFN policies and institutions. It also represents a connection between the governance priorities of MCFN on the one hand and social values on the other. More specifically, the mission statement informs all decision-making and outlines program direction so that by mapping out the MCFN governing philosophy it is possible to explain why they have chosen to concentrate on certain policy issues. The mission statement reads:

> By the year 2000, our people will be independent, proud professionals, working co-operatively in a clean environment in such a way that we preserve our Treaty Rights, cultural and spiritual values, to enhance our self-esteem so that competent people of the Mikisew Cree First Nation will be conducting all Mikisew Cree

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252 deCardinale, *Fort Chipewyan*, j-1.

> First Nation business in all fields in Fort Chipewyan and on lands of the Mikisew Cree First Nation by having no people of the Mikisew Cree First Nation on welfare.
>
> The people of the Mikisew Cree First Nation see our future as being self-sufficient. Working together while practicing good planning, [cultural and educational] resulting in the development of the lands of the Mikisew Cree First Nation and keeping our Indian rights [sic].[253]

MCFN government, operations and corporate interests are all designed to achieve the statements objectives.[254] Given that the primary focus of the statement is on the economy, an important feature of the mission statement is the connection between MCFN governance priorities and government/industry interests. More specifically, the MCFN vision espouses a set of goals that parallel those of other stakeholder groups. For instance, the vision statement urges meaningful and long term participation in the oil sands operations, equally encouraged by industry. It also advocates increased control over programs and services as well as the development of a local economic base and employment opportunities which further complements government desires to reduce its role in the governance of First Nations.[255] Hence, the mission statement not only reflects a vision of the future, it also reflects the confluence of interests between MCFN, the state and the marketplace.

4.4 Modern MCFN Governance

MCFN is governed by a democratically elected Chief and Council (a total of six Councillors) for a term of three years. It holds democratic, fair and open elections for

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253 Selin, *Into the New Millenium*, 9.
254 Ibid., 2.

leadership, in accordance with terms set out in an election regulations policy, with Election Day falling every three years on Treaty Day. The TLE did not extricate MCFN from the *Indian Act* which means that MCFN is still an *Indian Act* band, not a formal self-governing First Nation as would result from a modern treaty (Nisga'a) or formal legislation (Sechelt). With the finalization of the TLE colonial governance fell to the band council of MCFN. Despite the obvious constraints historically associated with Indian governance under the *Indian Act*, however post-TLE a noticeable expansion in the role and function of MCFN band council occurred. As the federal government slowly began to devolve program and policy to the band, MCFN began to expand the scope of its governance.

The change in MCFN governance is largely attributed to the TLE and the funds it provided the band. However, it is also due to a change in the federal-First Nation fiscal relationship set out in the Canada-First Nation Funding Agreement (CFNFA). Under the terms of the new arrangement MCFN manages a sum of approximately $25.7 million over a period of five years. As a result of the CFNFA, MCFN now possesses "greater authority to redesign programs and reallocate funds between programs in accordance with community priorities."[256] To understand how the CFNFA awards greater authority to MCFN, it is important to recognize that there exist two types of federal-First Nation funding agreements.

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255 deCardinale, *Fort Chipewyan*, j-3.

256 Allan Williams, "New transfer payment mechanisms", *CMA Magazine* (June 1991), 27.

First, there is the annual agreement called the Comprehensive Funding Agreement (CFA) which is a one year arrangement. It is fairly restrictive. Under this agreement, money is transferred from the federal government to the band on a monthly basis. For instance, if a band has one hundred members on social assistance, INAC funds that group of one hundred. If, however, the following month only ninety people require social assistance, then the band only receives compensation for those ninety recipients. Basically, under this type of arrangement the federal government reimburses a band for their expenses and, at the end of the year, if there is any surplus of funds, the band is required to repay those monies.

The CFNFA, in contrast, provides a First Nation with a block transfer of funds in a multi-year (5 year) arrangement. Its primary attribute is that it is "very, very flexible."[257] It provides First Nations complete freedom to manage a global budget as long as they meet the minimum terms and conditions of capital operations and maintenance, education, social services and their administration.[258] As one government agent explains "once they meet the limited terms and conditions, they have latitude to move that money around."[259] This means that, at the end of the year, if they have a surplus in one specific area (for instance if they have a surplus of half a million dollars originally marked for social assistance), the First Nation can reallocate those monies to address other needs in other areas (e.g. housing or postsecondary education). This also

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[257] Federal Government Representative, *Interview with author no. 28* (Edmonton, AB: May 29, 2000), 2.

[258] Federal Government Representative, *Interview with author no. 30* (Edmonton, AB: June 6, 2000), 3.

enables the First Nation to change policies and introduce their own procedures. For instance, MCFN can introduce programs designed to foster employment instead of simply subsidize social assistance dependence. According to federal officials, the key to this type of arrangement is that the band has more autonomy and control over how and where monies are spent.

Another feature of the CFNFA type agreement is that there is an adjustment to the base amount of funding annually that is proportionate to whatever increase INAC receives from the Treasury Board. In other words, whatever budget increase the Alberta Region receives to their base budget is passed onto First Nations through the multi-year agreement. However, if the band runs out of funds before the end of the five year period, the federal government is protected by an indemnity clause in the agreement that relieves them of any additional financial responsibility. Despite the fact that the CFNFA means that the federal government will not provide a "bail out" to First Nations who mismanage funds, federal officials admit that they do not hide behind the indemnity clause. They concede that if a community had members that were not receiving their social assistance, the federal government would intervene to make sure the programs were being properly delivered.

Federal officials claim that the long-term aim of the change in fiscal arrangements is to move from a restrictive regime to a transfer type of agreement.[260] Indeed, the CFNFA

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259 Federal Government Representative, *Interview with author no. 28* (Edmonton, AB: June 6, 2000), 2.

260 Federal Government Representative, *Interview with author no. 30* (Edmonton, AB: June 6, 2000), 3.

is indicative of the government goal to reorient Aboriginal-state relations in general and Aboriginal fiscal relations more specifically, in a direction away from paternalism, towards Aboriginal self-determination. The CFNFA global, multi-year block agreement represents a step in this direction. First, it reflects a lack of interest on the part of the Government of Canada to continue to strictly scrutinize and control the financial operations of First Nations. Hence, it reflects overarching neoliberal goals as the CFNFA reduces the role of government in the operation of Aboriginal government, removing the burden of micromanagement. Second, it reflects increased financial decision-making authority and independence for MCFN.[261] As one member explains, "you get a block of funding. You manage it, move it around and see how it fits. That is why we are starting to be more independent. Before, we used to have to live by their [government] rules."[262] With increased authority however is increased accountability. As Cornell and Kalt explain, implicit in self-government is accountability "as those whose resources and well-being are at stake are also those in charge."[263] As MCFN continues to formalize existing accountability mechanisms for its members, for the funds and services it manages on their behalf, it is also accountable to the Government of Canada through financial audits and reports. Although constraints exist, they are minimal when compared to previous funding arrangements and the strict scrutiny that accompanied them.

The ability of the MCFN Chief and Council to spend according to its own needs and priorities is an important change in MCFN governance. It enables them to mediate

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261 INAC, "Mikisew Cree First Nation: Backgrounder" (November 1996), http://www.ainc-inac.gc.ca/nr/prs/s-d1996/9647bk.html

262 MCFN Member, *Interview with author no. 11* (Fort Chipewyan, AB: April 17, 2000), 3.

the demands of economic development and market participation with the needs of its membership. According to former Chief Waquan, the key is to plan strategically and identify all the potential issues that may arise and take them into account when negotiating the agreement. The CFNFA is of historical significance for the people of MCFN, as he explains:

> It represents the achievement by my First Nation of recognition and respect from the Government of Canada for the ability of my people to govern their affairs in a prudent and proper manner. Most importantly, it also represents a major milestone that the Mikisew Cree First Nation has achieved toward the development of its self-government and ultimately, self-sufficiency through the positive enhancement of our people. The [CFNFA] is a true expression of the commitment and dedication of my First Nation and the Government of Canada toward the realization of our goal of economic independence through accountable and responsible self-government.[264]

Certainly one of the conclusions emerging out of the study on indigenous governance conducted by Cornell and Kalt at the Kennedy School of Government (also known as part of the "Harvard project") is that Aboriginal governments must have the power to make decisions.[265] Although this study concentrates on the economic experiences of tribes in America which means it application to Canadian cases is limited given important juridical, political, economic, social and even ideological differences separating Aboriginal people in the two countries, Cornell and Kalt identify tools critical to economic development that are necessary regardless of location. They note for instance that self-government often means "only letting go a little bit, and not to the much

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263 Cornell and Kalt, "Reloading the Dice," 5

264 INAC, "Mikisew Cree First Nation: Backgrounder" (November, 1996), www.ainc-inac.gc.ca/nr/prs/s-d1996/9647bk.html.

265 Cornell and Kalt, "Reloading the Dice," 5.

more fulsome degree required for First Nations to really be in control of their affairs."[266] Nevertheless, incremental devolution does not necessarily detract from what is important, namely increased decision-making power. In the case of MCFN, one of the results of the TLE was in fact the transformation of the band government function. With a large financial package as a part of the final settlement, the band had to make important decisions about the investment and utilization of their TLE dollars. They also had to make important program decisions in light of changing federal fiscal arrangements.

To manage the challenges of economic development and political governance, the band underwent a period of organizational restructuring. The most significant change that occurred post-TLE was the separation of band politics from band business and from band administration. The purpose of this change was to protect business from politics, the separation of economic development from political administration being a critical element for political success.[267] The result was the transformation of daily administrative affairs of the band and the creation of a host of new positions including the Office of the Chief Executive Officer (CEO), Chief Financial Officer (CFO), Economic Development Officer (EDO), Director of Social Services (DSS), Administrative Manager and Director of Education (DOE). For example, the job of the CEO was designed to oversee five central departments, central administration, accounting services, community services, educational and training services, and technical services. It also became the role of the CEO to ensure the band met its goals in the delivery of programs, met the needs and the expectations of its membership while remaining accountable to the Chief and Council

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266 Ibid.

and the membership. In fact, by being directly accountable to the community, MCFN leadership further ensured that the band's businesses activity complemented and supported the long-term goals of the band. Direct accountability to the community and commitment to realizing the terms of the mission statement ensured that the land claim monies were used to support the growth and development of the community.

But the separation of band governance from band enterprise was largely attributable to market imperatives. More specifically, MCFN made important institutional and structural changes at the behest of a local resource corporation. MCFN was advised to separate its political institutions from its economic institutions by Syncrude which felt that the historic fusion of band elected leaders and Aboriginal businesses led to difficulty in working effectively with the band and its companies. According to Syncrude officials, a significant obstacle encountered by Syncrude in working with MCFN was the mix of politics and business in the communities. As one oil official explained,

> one of the struggles that we had with the developing companies in the Aboriginal communities is that we had a hard time getting the band elected leaders to separate themselves from running the business. And every time the band council changed over, they would fire all the management in the company and then you would have to restart again so we wanted to change that. We wanted to make sure that these companies were set up in a way that they could be managed irrespective of who the Chief was.[268]

Syncrude wanted to ensure that MCFN companies were set up in a way that they could be managed, notwithstanding the politics inherent in band administration. In exchange,

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267 Ibid., 29.

268 Syncrude Representative, *Interview with author no. 21* (Fort McMurray, AB: May 8, 2000), 6.

Syncrude promised that Aboriginal-owned businesses would receive a significant portion of supply and service opportunities. It was clear that the corporate sector wanted to see a particular model of governance within the MCFN community. Archie Waquan, the chief at the time, is credited for having acted in accordance with this directive. He effectively oversaw the extraction of band government from band business. The operation of MCFN businesses was subsequently placed under the control of the Mikisew Capital Corporation (MCC) which serves as an umbrella for its subsidiaries.

MCC represents the business arm of MCFN. The role of MCC is to serve as a body overseeing the progress of the subsidiaries and to assist them in networking with one another. At present, MCC subsidiaries include 2000 Plus, Air Mikisew Ltd., Fort Chipewyan Building Supplies, Fort Petroleum Corporation, Mikisew Camp Management Ltd., Mikisew Commercial Properties Ltd., Mikisew Holdings Ltd., Mikisew Industrial Services Ltd., Mikisew Manufacturing Ltd., Mikisew Mining Corporation, Mikisew Supplies and Services Ltd., Mikisew Tourism Corporation and MSD Corporation. Representatives from the Chief and Council sit on the MCC board that reports to the Chief and Council. Management and oversight provided by the Standing Committee on Economic Development as well as the Finance Committee of the First Nation make certain that the Mikisew group of companies grow and develop at a pace that is in accordance with the goals of the community as a whole.

Changes in governance are not only apparent in organizational restructuring and governing philosophy but also in policy design and implementation. Cornell and Kalt suggest that policy control is another important element of self-determination. They

assert that informed, thoughtful policy-making and effective, accountable institutions that implement policy are critical elements of self-determination.[269] For MCFN, these elements are most evident in shifts in health, housing and education policy, elements that also function as good indicators of the impact of the new political economy on governance because they show how previously inter-related levels of government functioned and how federal scrutiny and MCFN autonomy have (or have not) been altered. They indicate a change in how the social needs of the community are assessed and evaluated, met and administered. This change speaks to a sector specific approach to self-determination, as opposed to comprehensive or legislative self-determination. In terms of health care provision, most significant is the establishment of new governance structures that reflect increased local control over social policy and program delivery and innovative responsiveness to local health care needs. In terms of housing, MCFN policy and practices reflect its transition to a joint public-private approach to the provision of services. And in terms of education, most obvious is extent to which the practical, jurisdictional matters of federalism arise, especially in terms of multi-level governance and delivery mechanisms.

4.4.1 Health

Over the past decade, the federal government has worked to establish a renewed relationship with First Nations that is based, in part, on the transfer of responsibility for services to the community level. This has led to a new and refocused federal role that seeks to improve the health status of First Nations by devolving autonomy and control

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269 Cornell and Kalt, "Reloading the Dice," 51.

over local health programs and resources to the community level. The off-loading of health recognizes not only the centrality of local government but also the administrative burden health care management poses to the federal government. Although Medical Services Branch (now known as the First Nations and Inuit Health Branch, FNIHB) was historically in charge of providing Aboriginal health care to communities across Canada, it started to transfer control of health services to First Nations and Inuit communities and organizations in the mid-1980s. In 1988, with the support of MSB, the Nunee Health Authority was established.[270]

Prior to its creation, all health services were provided directly by the Medical Services Branch of Health Canada through the nursing station. This included physician and nursing services, dental and vision care. There were four nurses on staff and physicians visited once every two weeks. All other services were very sporadic, infrequent, of a questionable quality, and did not meet the needs of the community in any way. There was no local control or any way for the community to participate in the planning, delivery, administration or evaluation of health services. Consequently, Nunee was started but it faltered, until it was eventually transformed into an effective and accountable service centre under the leadership of Trish Mercredi. According to Mercredi, when she was hired in 1991, "there was me and $30,000. That was it. When I left in 1999 we had over 40 full-time employees, several buildings, a five year agreement

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270 "Nunee" is a Dene word that means "Together." The formation of the Health Authority coincided with the decentralization of policy delivery in Alberta that was also occurring and which was also an important part of the overall shift in health care because in Alberta regional authorities now deal with delivery of social programs in this province. Nunee is unique because it is considered, unofficially, the 18th regional health authority even though it falls under federal jurisdiction.

worth almost 29 million dollars, a continuum of health services, another agreement with the province and almost total control of health services in the community."[271] Although the desire to take control of health and to provide a consistent level, type and quality of health services which met the needs of the community had been present for some time, a combination of government will, community cooperation and capable leadership coalesced in 1988 to transform a long term need into action. According to Mercredi, it took a lot of negotiating and effort to bring all parties (government, MCFN, ACFN and Metis) together but ultimately she succeeded in convincing them that by working together and sharing financial resources it was possible to build a better health care system for everyone.

Nunee services include full local control over a range of health services including regular physician visits, specialist services (i.e. pediatrician, gynecologist, ophthalmologist, occupational therapists and so on) and regular mental health services with two therapists. They have seven nurses and an Elders long-term care program. Additionally, they are host to a full range of community health activities including the creation of a community wellness team, alcohol and drug addiction services on-site, community-based training in areas such as addictions, suicide prevention, crisis management, first aid, Health and Healing conferences, residential school training, summer healing camps, a health newsletter, a health status study and a tele-health project.

The Tele-health Research Project was established as a partnership project between the Nunee Health Authority, the NLRHC, TecKnowledge Health care Systems

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271 Trish Mercredi. "RE: Nunee inquiry" *Personal e-mail to author* (April 30, 2002).

Inc., and Health Canada. During a needs assessment, the community identified as its health priorities: rehabilitation (physical, speech and occupational therapy), distance education for health providers and support to hospitalized family members. Based on the needs assessment and with funding from Health Canada, the Nunee Health Authority Tele-health Research Project was born. The program is one of the six pillars of the national Connectedness Agenda which is designed to make Canada the most connected country in the world. It is a system in which community residents can visit face-to-face with family members and health care professionals in the Fort McMurray Hospital.[272] The videoconferencing technology is thus perceived as a critical step towards improved local health care as it enables clients in the isolated community to received speech therapy, physical therapy and even occupational therapy without having to leave the community, thereby alleviating the stress and cost of travel historically associated with medical treatment. It also represents an innovative use of modern technology that enables the community to preserve important cultural ties since it provides a link between the sick and their families who may find themselves separated due to health crises for an extended period of time. In one interview, an elder expressed her appreciation for the new technology that enabled her to visit her sister who was in hospital in Fort McMurray.[273]

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[272] Natalie Humenuk-Bourke, "Tele-health enhancing Fort Chip: Research project focuses on improving health service delivery," *Fort McMurray Today* (April 15, 2000).

[273] MCFN Member, *Interview with author no. 18* (Fort Chipewyan, AB: April 15, 2000), 9. Today, through a memorandum of understanding with NLRHC, tele-health provides Tele-Visitation services so that patients from the community who are hospitalized at NLRHC may visit family and friends in Fort Chipewyan. To assist the emotional well-being of patients, the system will also provide "tele-visitation sessions" which will let patients visit with family and friends hundreds of kilometres away. Mary Simpson of the Nunee Health Authority says there's a proved therapeutic value to having regular visits from family and friends during the health process. Tele-Visitation started in March 2000 when they linked Elders who

Financially accountable to the federal government, Nunee does not rely on provincial support for any services and so its relationship with other authorities is limited to those services that Nunee might purchase from the provincial health provider, Northern Lights Regional Health Centre (NLRHC) (e.g. environmental health). The Nunee Health Authority is governed by a board in charge of making policy decisions, approving budget, determining programs and services to be delivered. The board represents MCFN, ACFN as well as the Metis and non-native population.[274] This has led some to claim that "community health has gone band controlled."[275] The fact remains that one representative from each Aboriginal group and one elder and one youth representative sit on the board, for a total of five board members.[276] However, the composition of the board was altered in 2001 to reflect MCFN demands for greater representation based on its population. As a result, MCFN now has two representatives on the board, for a total of six board members. Given the demographic domination of MCFN in Fort Chipewyan, it wields significant power, both on the board and within the community. Certainly Fort Chipewyan is a "Cree dominated community [in part because] they have done very well and are highly organized" which leads to the perception that it

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were hospitalized in Fort McMurray to Elders in the community. To date, they have had 51 successful sessions and approximately 177 family/friends have used Tele-Visitation up until October 2000.

274 Federal Government Representative, *Interview with author no. 6* (Fort Chipewyan, AB: April 15, 2000), 1.

275 Federal Government Representative, *Interview with author no. 7* (Fort Chipewyan, AB: April 15, 2000), 1.

276 In terms of selection, a community/general call for an elder and a youth representative is announced when a vacancy arises. The applicant must submit a one-page summary as to why they wish to sit on the board. The board then selects an elder and youth from the pool of applicants.

is MCFN, not the board, that has ultimate authority over the operation of the health authority.[277]

This view was reinforced in 2001 when MCFN threatened to withdraw its support from the Health Authority, charging it with overlooking the special health needs of its elders, lack of leadership and general mismanagement. MCFN suggested at this time that it would take control over the administration of health services for its members. According to one health provider, this proved to be a point of great consternation, not only for the community but for the federal government which did not want to see the authority fall apart.[278] She explains that few Aboriginal communities with so many different groups have been awarded control over health care and this community has done very well. She explains "they [the federal government] are proud of the fact that this place [Fort Chipewyan] has gone to transfer."[279] She adds that "these are growing pains and there isn't a similar community in Canada that has gone to transfer that is trying to please so many bands."[280] If MCFN were to pull out of the arrangement, the future of the health authority would be jeopardized. Fortunately, this conflict was resolved by meeting MCFN demands for increased board representation, leaving the Health Authority intact.

According to one health care provider, the willingness of government to pass over control of health care service delivery and management is indicative of the fact that

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277 Federal Government Representative, *Interview with author no. 6* (Fort Chipewyan, AB: April 15, 2000), 2.

278 Ibid.

279 Ibid.

280 Ibid.

"government wants out of health care of First Nations."[281] This sentiment is echoed by one member who observes that "health is changing because there are a lot of things in health now that MSB wants people to pay for. There are a lot of prescription drugs that used to be covered and are not covered any more."[282] Other changes this person cites include longer time periods between prescription eye care (from a new pair of glasses every year to once every four years) and oral care renewal (from new dentures every two years to five years). Overall, there is a sense within the community that the government is cutting back on its services to Aboriginal people and that MCFN must fight to protect their treaty right to health care.[283] MCFN concerns over the level of health care services its members enjoy reflect a larger concern that the federal government is trying to renege on its treaty obligations. As former Chief Archie Waquan asked RCAP commissioners: "Is the government's attempt at getting out of their obligation... a true indication of the government's commitment to encouraging the Mikisew Cree First Nation in becoming self-sufficient and independent?"[284] In its defense, the federal government maintains that it is not, in any way, trying to abrogate its treaty responsibilities. As one federal representative explains

> we have responsibilities to First Nations. We are prepared to honour those responsibilities. We want to see self-sufficient, accountable First Nations evolve that have certain powers that are harmonious with federal and provincial powers. We want to see them involved with the private sector. I mean, the idea that Indian Affairs and the federal government, at least under this government – I mean under previous governments there was the White Paper and that sort of thing – but I

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281 Ibid.

282 MCFN Member, *Interview with author no. 13* (Fort Chipewyan, AB: April 18, 2000), 2.

283 Ibid.

284 Archie Waquan, "Presentation by Mikisew Cree First Nation to the Royal Commission on Aboriginal People" (Fort Chipewyan:AB, June 18, 1992), 21.

> don't see it coming back. There are certain obligations the Crown has and even if we wanted to, I think we would have a lot of difficulty getting out of those obligations [because] they are legal.[285]

Hence, the federal government dismisses any suggestion that it is interested in terminating its duty to Aboriginal people, noting that it is not even legally possible. Yet, concern in the community over the extent to which devolved authority to the community could detract from federal treaty responsibilities persists.

Most MCFN members appear generally pleased that the community of Fort Chipewyan has effectively and efficiently taken the reins of health care from government as they believe that they can do a better job of meeting and administering their own health care needs. The successful management of health care by Nunee to date stands as testament to the community's ingenuity and innovation and dedication to improving its social well-being. Although some MCFN members fear that community-based health care detracts from the treaty right to health care enjoyed by MCFN members, the transfer of jurisdiction from the federal government to the First Nation does not in any way eliminate federal treaty responsibility to MCFN. The treaty obligation is not based upon who provides the service but upon the provision of the program.

4.4.2 Housing

After years of inadequate housing, substandard housing, a lack of reserve lands and other setbacks, MCFN has committed itself to seeking solutions and working in partnership with all of the stakeholders (MCFN members, band council, federal government and

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285 Federal Government Representative, *Interview with author no. 30* (Edmonton, AB: June 6, 2000), 11.

private sector) involved. The goal is to create new approaches to housing on-reserve that will bring about an overall and sustained improvement in housing conditions. In 1992 MCFN launched its new regime in the area of housing. Its priority in addressing housing needs was matched by its resolve to spend the majority of housing dollars on new construction. Though the TLE was settled in 1986, the survey of reserve lands did not take place until 1989. With a land base established, MCFN began to concentrate on providing one of the most basic necessities to its members, housing. To that end, it remains focused on the development of the Allison Bay Reserve which is a five minute drive to the north and east of the town site of Fort Chipewyan.

Critical to funding new housing development was the CFNFA which spans several program areas. Of note is the additional $566,800 that was provided under the new federal housing policy announced in 1996, which is in addition to the $360,500 yearly housing allocation received by the First Nation.[286] By the end of the eight year project, to be completed in 2003, MCFN will have committed approximately $4 million of the band's annual revenue towards the community's housing program. The goal is to develop Allison Bay Reserve as the centre of the community. This development plan will result in the construction of 78 units and the renovation and relocation of 161 houses.[287] The allocation of those houses is decided by the housing committee, a group of seven MCFN members that is chosen and appointed by the Chief and Council to review

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[286] INAC, "Mikisew Cree First Nation: Backgrounder" (Ottawa: November 1996), http://www.ainc-inac.gc.ca/nr/prs/s-d1996/9647bk.html.

[287] Ibid.

requests and ultimately recommend who will or will not receive a house or be awarded renovations.

The CFNFA is a major departure from previous arrangements wherein the federal government only provided enough funds to MCFN for the construction of three housing units per annum. This was insufficient given the acute housing shortage. As one MCFN member explains, "If you look at how many people need housing here. I think there was 110 last time I looked – and you get 3 houses a year – and in my home alone I have my daughter and her kids living with me, and my uncle living with me because they don't have a house."[288] The need for a new arrangement was not only due to the fact that the amount of federal funding was insufficient but it also formed part of a federal campaign to transform the Aboriginal mindset that housing is "free" and a "right" enjoyed by Aboriginal people. As one federal representative explains, "it's the government's view that it [housing] is not a right. We are not going to provide money for housing for everybody on reserve. The government view of the First Nation communities is that if you are working and you have a job, maybe the First Nation community can help you to get started but after that you should be paying rent on a mortgage."[289] Hence, federal monies now form a subsidy which can be used to off-set the total cost of constructing a new unit. Additionally, INAC encourages First Nations to work with other agencies to meet their housing needs, including the Canadian Mortgage and Housing Corporation (CMHC).

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288 MCFN Member, *Interview with author no. 13* (Fort Chipewyan, AB: April 18, 2000), 3.

289 Federal Government Representative, *Interview with author no. 30* (Edmonton, AB: June 6, 2000), 11.

MCFN has been aggressive in taking advantage of programs offered by CMHC. They now have access to a mortgage assistance program that provides low interest loans to those members who qualify for a mortgage from a conventional financial institution. Once the houses are built, community members put their name on a list which is reviewed periodically by a housing committee. According to one member, they then assign houses to those they deem most needy. Given their need to build 8 or 9 houses per year and the limitations of INAC funding, MCFN now requires people to pay rent for their property to cover the mortgage, as set out in its Home Ownership Incentives Program. With the exception of a few homes built for Elders under the Social Housing Program, those members living in houses constructed since 1992 are encouraged to either rent or buy their home. By having their members contribute to the cost of housing for today, the First Nation is ensuring that funds for housing will be available for future generations.

To overcome income discrepancies, in some instances a new house can be sold to a member whose monthly payments are prorated according to the purchaser's income. For instance, the maximum rent charged for a person on social assistance for a four bedroom house is $510 and for a two bedroom house or apartment it is $325.[290] MCFN retains the right of first buyer in such instances when the owner wishes to sell the house. While the band has been careful to make both rent and mortgages affordable, they have taken an important and necessary step in making their members now understand that there is no such thing as "free" housing. Although there is still a perception that housing

is in fact a right, deCardinale explains, nothing could be further from the truth.[291] The federal government has made it clear that it cannot afford "to provide a free house, fully paid for by the government to every First Nation in Canada [because] you are talking billions of dollars."[292]

But the transition from right to renter can be difficult as members take on more individual responsibility. This challenge is further compounded by the fact that many MCFN members remain unfamiliar with the obligations associated with rent. As one MCFN member explains, "People are used to not paying rent. The houses [were] owned by Indian Affairs. I am living in a house that was given to me by Indian Affairs and I don't pay rent. Just the last few years with CMHC we are having the problem. On-reserve they all pay rent and we are having one helluva time to collect."[293] Another member adds "some people don't understand. They think they should get it for nothing."[294] As First Nations take on more responsibility for local services and develop new partnerships and programs designed to assist their community, they must deal, not only with the pressures associated with new responsibility but also with the re-education of their own people.

The MCFN housing program is greatly assisted by its ability to build and renovate housing. To elaborate, MCFN created Fort Chipewyan Building Supplies, a business which provides building supplies to the building company Mistee Seepee Development

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290 Mikisew Cree First Nation, *Building First Nation Independence* (Fort Chipewyan: Mikisew Cree First Nation, 1996), 4.

291 deCardinale, *Fort Chipewyan*, f-10.

292 Federal Government Representative, *Interview with author no. 30* (Edmonton, AB: June 6, 2000), 11.

Corporation (MSD) that builds First Nation housing at cost. This partnership between MSD and Fort Chipewyan Building Supplies enabled Mikisew Technical Services, in charge of the housing program, to build a 950 square foot 3 bedroom unit in 1996 for $95,000.00.[295] This arrangement enables MCFN to get the most out of its building dollars. The aim is for new construction to bring about overall and sustained improvements to the housing stock.[296] Other MCFN companies provide the necessary services to homes in the Fort Chipewyan community, including water services, sewer services, and fuel.

In these ways, MCFN has taken a proactive and entrepreneurial approach in addressing its housing crisis. Since 1992, MCFN has developed innovative ways to ensure that it is able to correct the shortcomings in previous housing programs and policies. For instance, for those that do not wish to live on-reserve but instead reside within the hamlet of Fort Chipewyan, MCFN awards two $45,000.00 start-up grants per year to function as a down payment for band members who want to build. This is another strategy designed by the band to alleviate the housing crunch. With clear direction from the Chief and Council, excellent planning assistance by Mikisew Technical Services and high quality construction by MSD Corporation, and competitively priced materials from Fort Chipewyan Building Supplies, MCFN has been able to build cost effective, high

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293 MCFN Member, *Interview with author no. 11* (Fort Chipewyan, AB: April 17, 2000), 3.

294 MCFN Member, *Interview with author no. 13* (Fort Chipewyan, AB: April 18, 2000), 4.

295 Max Palmer, "On Reserve Remote Housing Program" (Fort Chipewyan, AB: Mikisew Technical Services, July 23, 1996), 1. The greatest need of housing is within the 3 bedroom unit category. 27 3 bedroom units, 15 2-3 bedroom units and 20 3-4 bedroom units were built in that year.

- 1 Bedroom Unit, 650 sq ft. $65,000
- 2 Bedroom Unit, 825 sq ft. $82,000

296 Ibid., 8.

quality homes for its members. Housing thus represents an important new policy direction. It is no longer about state provision of housing or band provision of housing but it is about individual ownership in partnership with the band or the private sector.

4.4.3 Education

Education remains a matter of provincial jurisdiction and is the area where there has only been a nominal change or decentralization of authority to MCFN. MCFN, in conjunction with ACFN, sought increased control over the delivery of education in 1985 when it formed the Indian Education Authority (IEA).[297] The IEA functions as a board that is composed of three MCFN members and three ACFN members.[298] In 1987 the IEA signed a tripartite tuition agreement with the federal and provincial governments. This agreement represented not only a form of Aboriginal control over education but also a form of devolution. When asked why the federal government agreed to transfer control for the administration of education dollars to the band one government official responded, "That is part of devolution, transferring greater responsibility to the First Nation."[299] The level of responsibility transferred however was negligible.

Under the terms of the agreement, the IEA was given two tasks. First, it was assigned the responsibility of administering the tuition agreement. This required that the IEA manage funds transferred to the band from the federal government and pay the province for educational services provided through the Athabasca Delta Community

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297 Vermillion, "Understanding Our Past to Plan for the Future," 29.

298 As part of a recent governance initiative, one MCFN Councillor is assigned the portfolio of education and sits on the board as one of the MCFN representatives.

School (ADCS) located in the hamlet.[300] Essentially, the IEA functioned as an intermediary between two orders of government, taking money from one to pay the other. Hence the extent of delegated authority lay in doling out education dollars. The outcome of the tuition agreement, therefore, was not increased control over education but increased financial management responsibility. Though MCFN and ACFN wanted more control over the delivery of primary and secondary education, the transferral of educational responsibility from the federal government to the local First Nation was insignificant. It did not translate into a more practical role for the bands in the provincially operated education system.[301]

Second, the IEA was assigned the job of monitoring and reviewing the quality of education being delivered to band members in Fort Chipewyan. As one member explains, "the biggest challenge [is] trying to get our people educated."[302] The IEA recognized a number of issues pertaining to the state of education in the community. They included a lack of educational attainment, poor reading skills, lack of discipline and poor attendance compounded by inadequate facilities (no science or reading resource centres) and resources. Although the IEA prepared a report of its findings and delivered it to the province, no changes occurred. Even though MCFN pays the province close to $9500 per student, the teachers continually complain that they are running out of materials, well

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299 Federal Government Representative, *Interview with author no. 30* (Edmonton, AB: June 6, 2000), 2.

300 Athabasca Delta Community School: No. of professional staff 19; Paraprofessionals 11; Community Liaison 1; Assistant Councillor 1; No. of students 281; Grades K-12. Special Programs: Special Education, Native Language, Home Economics, I.A., CTS. Drop-out Recovery, Youth Challenge Program

301 Vermillion, "Understanding Our Past to Plan for the Future," 29.

302 MCFN Member, *Interview with author no. 9* (Fort Chipewyan, AB: April 17, 2000), 1.

before the school year is over.[303] At the high school level, a lack of teachers and the fact that most of the high school education is done through correspondence from Edmonton means that few, if any, children graduate with a high school diploma.[304] Some parents have had to move to Fort McMurray to ensure their children receive an adequate high school education. Other MCFN members recount stories of how they were sent away in order to be educated. What these stories indicate is that the extent to which the educational needs of MCFN members are not being met within the existing system. Most blame the school and the province, not the band.

Federal officials concede that MCFN kids are not progressing well, admitting that "they are generally two grades behind."[305] Although it is the federal government that funds Aboriginal education, MCFN identifies the problem as the delivery mechanism which is the provincially-operated school in Fort Chipewyan. Accordingly, in 2000 "the Chief from Mikisew met with the Minister of Alberta Learning and basically said here are the facts, you are running the system, we are paying you for our kids and they are not being educated. We have to make some changes."[306] In terms of change, the federal government points out that most First Nations have a school on reserve that is run by the First Nation. The federal government provides these bands with money to operate the schools, hire the teachers, set the curriculum and meet minimum provincial standards. Hence they suggest that the MCFN, ACFN and the Metis join together to run a

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303 Ibid., 6.

304 In 2000, there was no grade 12 graduate ceremony since no one qualified.

305 Federal Government Representative, *Interview with author no. 30* (Edmonton, AB: June 6, 2000), 9.

306 Ibid.

community school. As one federal official explained, "they will be accountable then. They can't blame anybody then because they will be running it."[307]

When asked if MCFN should work to take control over education, one MCFN member suggested more immediate concerns must first be addressed. As it was explained, "when you consider the poverty that many of our people live in [it doesn't] allow people the quality of a home life to ensure that people complete their education. [As long as] people have to worry about what kind of food they are going to eat and how they are going to pay their bills, economics will determine their quality of life."[308] MCFN money, time and attention is directed therefore at trying to find ways to address the rampant abuse found throughout the community. Alcohol Awareness programs, Aids education initiatives and healing camps are all aimed at dealing with the numerous social problems that plague the community, including the lingering effects of the residential school program. All of these efforts indicate an immediate focus on community healing that is designed to assist in the overall transformation from a politically dependent band to a self-governing nation.[309]

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307 Ibid.

308 Federal Government Representative, *Interview with author no. 27* (Edmonton, AB: May 27, 2000), 17.

309 It is interesting to note that the IEA also suggested that education was an important way to advance people's position in the marketplace. In other words, the problem of Aboriginal education is tied to economic opportunity. As one elder reasons it is important for "kids to go to school to get an education (…) because you have to have an education in order to have a job." This sentiment is echoed by industry. Because Syncrude has set the completion of grade 12 as the standard minimum requirement for hiring, it remains concerned with the problems in the educational system. One area of specific concern is the low scores on achievement tests associated with schools in the area. With minimal standards required for employment, industry officials are choosing to invest dollars and time improving educational opportunities for Aboriginal peoples. But Syncrude's altruism is motivated by more than a desire to educate. It is driven by a desire to produce more workers. Although education falls within the domain of government-First Nation relations when asked if oil companies would be interested in taking over education one official pointed out how corporate Germany was very involved in education with companies like Kroeger running

4.5 Conclusion

Although events occurring in the international context are often seen as far removed from the relations between Aboriginal people and the state, it is obvious that they are not. In fact, Canadian policy toward Aboriginal people is largely attributed to global trends that not only transform the international system but also erode traditional understandings of the state-society relationship. This has caused the historical, paternalistic approach to Aboriginal policy to be discarded. The postwar notion of Aboriginal people as wards of the state has been abandoned and replaced by a neoliberal vision of Aboriginal people as self-governing. A new direction in Aboriginal policy does not, however, imply that the federal government is giving up total control over First Nations or that it is abandoning its fiduciary obligations to Aboriginal people. To the contrary, government still pays the cheques and writes the laws. It controls the resources and sets out the rules for hunting and trapping. It also retains ultimate authority and jurisdiction over Aboriginal people.[310] What a new direction in Aboriginal policy indicates therefore is that the state wants to transform its role with respect to Aboriginal people. Less federal scrutiny and more MCFN autonomy suggest that the political conditions for self-government have in fact emerged. In the neoliberal era, therefore, it is apparent that MCFN self-determination has flourished as government control and management have diminished. Though critics of

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their own schools. They speculated that, perhaps under the right conditions (like not paying education tax and getting their pick of the people who graduated) anything was possible. As one official explained, "our educational programs are out of touch with corporate needs. It is wonderful to graduate thousands of people with philosophy degrees but they aren't going to work anywhere. We need tradesmen, we need engineers." Given their pragmatism, industry has already started to become involved in different educational initiatives in the region. For instance, Syncrude introduced a registered apprenticeship program for high school students that started in Fort McMurray and has spread throughout the province. One official explained that, through the program, "kids go to high school but they actually come and work for (us)."

neoliberalism emphasize its detrimental consequences, as evidenced in the eliminating social programs and destruction of progress made by women's groups, suggesting that First Nations are particularly ill-placed to resist the tide of globalization, these preconceptions have not borne out. Instead, the MCFN study demonstrates that First Nations that have the means to thrive in the marketplace can benefit from neoliberalism.

Despite its economic success, MCFN's self-determination represents a specific type of self-determination that remains limited in scope. MCFN is still, for instance, a band under the *Indian Act*. It remains within a federal system. This means that its self-determination may be considered deficient since full and robust self-determination involves a broad span of authority based on inherence that is constitutionally protected and not delegated. It also means that the extent to which MCFN exercises autonomous power versus delegated authority is a topic for dispute. What is beyond dispute, however, is that MCFN has effectively maximized its self-determination within existing institutional parameters by taking control of the levers of public policy and managing its own affairs. For example, MCFN has increased its decision-making powers and designed new social programs that improve its socioeconomic condition. This suggests that devolution functions effectively as *de facto* self-government policy since at the same time that decision-making power is transferred away from the state it is transferred to First Nations. Though the notion that devolution is an effective way to transfer control is an unpopular argument that challenges conventional wisdom, it is an important reality that must be acknowledged. Notwithstanding the fact that devolved self-determination is not

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310 MCFN Member, *Interview with author no. 9* (Fort Chipewyan, AB: April 17, 2000), 6.

based on inherency, and many First Nations do not achieve their goals via devolution, devolution itself does not inhibit the eventual realization of those self-determination ambitions. For example, in 1995 the Mikisew Cree First Nation passed a band council resolution that recommended it enter into negotiations with Canada to establish a relationship and begin the implementation of their inherent right to self-determination and self-government.[311] Therefore, even though the assumptions guiding federal policy and activity may be contestable it is useful to consider the extent to which devolution facilitates the realization of Aboriginal goals of economic self-reliance and jurisdictional autonomy.

Prince and Abele suggest that service delegation is not self-determination. Though they argue that in most service fields, "real decision making powers still today are not devolved" the new roles and responsibilities of the MCFN band government stand in stark contrast to the historic role of the federal government as the "custodial administrator."[312] Within the MCFN community noticeable changes have occurred since the signing of the TLE. Most obvious is the increased role of the First Nation in providing programs and services to its members. This is a result of a corresponding change in the state-MCFN fiscal relationship. This change is a particularly welcome one since the federal government has historically been perceived as having been a barrier for the Aboriginal people. As one member explains, "They [the Government of Canada] are always trying to think for us but they could never think for us because we know what our

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311 Mikisew Cree First Nation Band Council Resolution no. 00461-702-1995-96-035.

312 Prince and Abele, "Paying for Self-Determination," 10. Weaver "A New Paradigm in Canadian Indian Policy for the 1990s," 13.

needs are and we are the only ones that can help our people."[313] The new sense of efficacy has been assisted, in part, by new state initiatives guided by a new state philosophy.

Even if self-determination is narrowly defined to include only goals of political, social and economic well-being, the "power of self-governance in and of itself is no guarantee of economic development."[314] Instead, Aboriginal governance is an integral component to providing a stable political atmosphere in which self-determined economic development may proceed. Because "investors fear being held hostage to politics" in this highly competitive environment, having important decision-making authority is necessary.[315] The ability to manage, not just administer, programs is important to creating an environment in which investors, whether band members or outside investors, feel secure. The TLE thus provides not only an important base of capital which enables the band to be creative in its policy and its economic development, but also the environment in which to make it happen.

Because self-government is only part of the self-determination equation, it is important to ask: how much more autonomy to participate in the market has occurred since the TLE? To what extent is MCFN able to direct its own economic development? To answer these and other economic questions that serve to deepen our understanding of self-determination it is necessary to understand self-sufficiency. I turn now to Chapter

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313 MCFN Member, *Interview with author no. 10* (Fort Chipewyan, AB: April 18, 2000), 3.
314 Ibid., 17 and 50-51.
315 Ibid., 30.

Five to explain the change in the market-First Nation relationship in light of the economic transformation of MCFN and assess its impact on their self-determination.

Chapter 5

Self-Determination and the Mikisew Cree First Nation: The Economic Dimension

5.0 Introduction

In this chapter, I concentrate on the economic dimension of Aboriginal self-determination. Through the economic lens it is possible to move beyond questions of who decides to questions of who participates, or more specifically, how First Nations participate in the marketplace. Once again, relying on the experiences of the MCFN, the objective of this chapter is to investigate the impact of the new political economy on market-MCFN relations. This chapter specifically considers the extent to which the state of the MCFN economy has been transformed, developed and diversified in recent years.

To that end, I investigate the economic development experiences of the MCFN by answering two central questions. First, how much more participation in the market has occurred since the TLE? Second, to what extent is MCFN a subject rather than object of economic activity? This chapter argues that enhanced capitalization, an important outcome of the TLE, is critical to understanding the increased economic development and market activity of MCFN. It postulates that an amalgam of state policy and market opportunity has transformed the economic position of the MCFN. To prove this, I compare the amount of economic development and opportunity that was available twenty years ago with what is available now. Specifically, this chapter compares and contrasts the economic condition of MCFN both prior to and after the Treaty Land Entitlement that

is again used as the benchmark to identify change. To begin I contemplate briefly the entrance of the MCFN into the capitalist, Canadian economy via the fur trade.

5.1 The Fur Trade: Market Penetration

As the Europeans set out in search of new sources for raw materials and resources, they also sought out markets for European manufactured goods. This historic period, steeped in colonialism and empire, represented the international expansion of capitalism as private enterprise was developed in new lands. Specifically, the Europeans, upon their arrival in Canada, discovered vast fur resources and recognized their economic potential which would, in fact, prove to be the foundation of Canadian economic development. Though Innis wrote that the "importance of staple exports to Canadian economic development began with the fishing industry" it was in fact the fur trade and the dominance of furs that led to the introduction of capitalism.[316] And, as Ray explains, the significance of the fur trade was not only the way it drew Canada into the world economic system but also the way it propelled the industry across the country and "drew a succession of Native economies into the European economic orbit."[317] Consequently, Aboriginal economic participation and capitalist integration have their roots in the mercantilist relationship established through the introduction of the fur trade. This is in large part a consequence of the central role that Aboriginals played in the enterprise. In their role as fur producers and traders, they were integrated into the European fur trade and made subject to its interests.

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316 Harold A. Innis, *The Fur Trade In Canada* (Toronto: University of Toronto Press, 1999), 401.
317 Ibid., vi.

5.1.1 The Fur Trade: Roots of MCFN Market Participation

In the pre-fur trade era, the Aboriginal people of the Athabasca region were bush people, unaffected by the burgeoning global marketplace, relying on hunting for fur and food for their own consumption. They enjoyed effective control of the land and its resources, managing to survive on a subsistence mode of production, largely sustaining themselves by trapping animals like muskrats and beavers.[318] They were in control of their lives, dependent only on renewable natural resources which, at the time, were abundant. One elder interviewed explained how "that is all they used to do, just stay in the bush, to get the wild food and live off the land."[319] The lives of the indigenous people of the region were transformed by the fur trade economy that began as early as the 1600s.[320]

The intrusion of the marketplace into the Athabasca regions began when MCFN ancestors moved into the region, displacing the Beavers, Slaveys and other tribes through warfare. Descendants of the Woodland Cree in eastern Canada, MCFN members were deployed as middlemen for the Hudson's Bay Company. Anxious to break their monopoly, the Montreal based North West Company (NWC) arrived in the Athabasca region in 1778. Led by Peter Pond, the NWC immediately set up the trading post of Fort Chipewyan which became "the most important North West Company post in the North."[321] Fort Chipewyan was an important post because it was part of the new route in the trade of Canada's fur resources that connected Hudson Bay with the Arctic

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318 MCFN Member, *Interview with author no. 18* (Fort Chipewyan, AB: April 25, 2000), 1. Other animals trapped or hunted included rabbits, ducks and geese.

319 Ibid., 5.

320 J.C. Yerbury, *The subarctic Indians and the fur trade, 1680-1860* (Vancouver: University of British Columbia Press, 1986).

drainages.[322] Ideally situated on the shores of Lake Athabasca Fort Chipewyan was the final depot from which all NWC trade along the Peace, Athabasca, Slave and other rivers of the Mackenzie basin, destined to and from Montreal, was conducted. As a result of its monopoly in the region, the NWC dominated the northern fur trade until the end of the 18th century.

In 1802 the Hudson's Bay Company (HBC) made its first attempt to take control of the region with the establishment of a small trading post but it was unable to successfully penetrate the Western stronghold. As a result, it did not compete seriously with the NWC. According to Davidson, HBC did not appear to have attempted to seriously enter the field of trade in the West while the NWC existed as a separate body.[323] Accordingly, trade for the NWC was fairly lucrative. HBC did take serious action when it returned in 1815 to try and break the NWC's monopoly by providing competition. During this period, the "two companies vied for Mikisew's loyalty until 1821 when they amalgamated as the Hudson's Bay Company."[324] At this point, Fort Chipewyan became HBC headquarters for the entire region. This merger ended conflict in the area and led to "five decades of peaceful monopoly rule" in the region.[325] The end of the regional conflict restored stability to the area. This constancy was only disrupted in 1869 when

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321 Dickason, *Canada's First Nations*, 204.

322 Ibid.

323 Gordon Charles Davidson, *The North West Company* (Berkeley: University of California, 1918), 163. For more contemporary treatment, see Lloyd Keith, ed. *North of Athabasca: Slave Lake and Mackenzie River documents of the North West Company, 1800-1821* (Montreal: McGill-Queen's University Press, 2001).

324 Selin, *Into the New Millenium*, 10.

325 DeCardinale, *Fort Chipewyan*, a-10. Davidson, *The North West Company*, 168.

Canada purchased HBC rights to the territories, again opening the fur trade to competition which led to an influx of free-traders that were attracted to the area.

The post-1870 era is important because, as Tough explains, the influx of white trappers contributed to the decline of resources and Aboriginal people were forced to compete for increasingly scarce resources.[326] The threat to the renewable resource base was significant because although MCFN members enjoyed European merchandise, they continued to rely on trapping of furs, not only to purchase staple foods, like flour and raisins but also to obtain the manufactured implements that had become essential to hunting, fishing and trapping.[327] Although the native economy had, in part, shifted from hunting for consumption to hunting for trading, the former remained the primary mode of subsistence.

The relationship of MCFN to the fur trade is best understood in light of its function within the process. The traders at Fort Chipewyan were the agents of the fur trade because they represented the mercantilist companies based in London and Montreal and later in many other southern localities.[328] For their part, the Cree produced most of the furs for trade, eventually relinquishing their former economic activity to rely on a mixed economy, based on a combination of subsistence living off the land in conjunction with commercial trapping.[329] Most of the trade, and hence most of the competition, was between companies using both local traders and Indian hunters as procurers of furs.

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326 Frank Tough, *'As Their Natural Resources Fail': Native Peoples and the Economic History of Northern Manitoba, 1870-1930* (Vancouver: UBC Press, 1996), 261.

327 McCormack, "How the North (West) was Won," 71.

328 Ibid. 63.

329 Ibid.

Ultimately, this contact led to the intensification of Aboriginal-European relations. As deCardinale describes it, with their lives becoming an integral part of the capitalist world economy, the influence of the fur trade would eventually be responsible for much change for MCFN, including changes in education, language, religion, and land usage. {removed paragraph from here re: HBC relationship one of paternalism}

In considering the nature of this transformation, the role of external markets is central to any account of the fur trade and its influence on MCFN.[330] From an economic standpoint, any appreciation of Aboriginal market participation must be approached from the understanding that the fur trade was rooted in trade with other countries.[331] McCormack explains that this "form of capitalism which initially confronted Fort Chipewyan and the Cree was mercantilism" and mercantilism, Hoogvelt writes, "was a system of political economy *par excellence*."[332] Hoogvelt describes mercantilism as "striving after political power through economic means."[333] Set against a backdrop of international competition between new and developing nation-states, it required policies designed to foster economic growth and to raise revenue. In practice, it meant that the economy would serve the interests of the polity.[334] The fur trade not only generated wealth for Great Britain but it also expanded the British Empire. Fur trade production not only transferred wealth from the colony to the colonizer but also political control. This

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330 This concept is derived from Frank Tough who wrote that "the role of external markets is central to any account of the industry (fur trade) in the post-1870 period." See Tough, '*As Their Natural Resources Fail,*' 263.

331 Harold A. Innis, *Essays in Canadian Economic History* (Toronto: University of Toronto Press, 1956), 12.

332 McCormack, "How the North (West) was Won", 45 and Hoogvelt, *Globalization and the Postcolonial World,* 3.

333 McCormack, 45.

meant that external markets and mercantilist policies shaped post-fur trade MCFN-market relations and their participation in it.

In short, prior to the fur trade, and even after its development, the primary unit of production and consumption remained largely intact.[335] Though their participation in the fur trade was vital, MCFN and ACFN people remained primarily dependent on the bush mode of production, its lifestyle, heading to town a few times a year primarily to obtain basic goods like flour, sugar and salt as well as to trade. Increasing contact with settlers, traders and trading companies led, over time, to the erosion of their traditional economies and its renewable resource base. Change occurred because MCFN and other Aboriginal groups of the Athabasca region became trappers, supplying the furs and food provisions that the traders needed. The influence of the fur trade accelerated changes in their traditional ways of life and created a dependency on imported, European goods.

5.1.2 Decline of the Fur Trade

The fur trade drove the economy of the Athabasca region well into the early part of the 1900s. In the first half of the decade, fur prices and fur resources remained high, making fur the dominant commodity. By the mid-1900s, deCardinale writes, "the regional fur trade had lost most of its momentum due to several mitigating factors."[336] First, federal intrusion led to increased regulation and restrictions on hunting and trapping.[337] More specifically, the creation of Wood Buffalo National Park (WBNP) in 1922 changed the

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334 Ibid.

335 See McCormack, "How the North (West) was Won."

336 deCardinale, *Fort Chipewyan,* b-1.

337 Ibid., 92.

lives of MCFN because it meant that they were required to obtain permits to hunt and trap in the Park, even though they had lived, hunted, fished and gathered berries there since the early 1700s. Increased regulation led to increased change. Over time, it became increasingly difficult for MCFN to live exclusively from the land. Putting it into context, McCormack explains that it was only after 1918 "when game and animal populations declined, Native access to game animals was restricted by legislation and regulations and Native needs for material goods increased [that] they would turn increasingly to wage labour for their livelihood."[338] After years of participating in the fur trade, MCFN members, beginning in the 1920s and especially after the 1940s, were forced to seek out wage-earning jobs. In short, intrusion of the federal government into the market-MCFN relationship in the post-fur trade era led to a significant shift in their participation in the marketplace, in effect transforming the relations of production of Aboriginal people and their economic activity.[339]

A second contributing factor to the decline of the fur trade was the activation of another resource sector. Drilling for oil began in 1912 and led to a small economic boom. Even though it was short-lived it represented the beginning of an important shift from fur to oil that would ultimately transform the focus of resource development in the region. By 1925, changes in the regional economy began to take place as industrial capitalism made its way north via the Northern Alberta Railway which made it easier for other resources like salt deposits to be transported south. It was only in 1964 when the Great Canadian Oil Sands (now Suncor Inc.) started construction on the first plant north of the

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338 Ibid., 74.

town of Fort McMurray to make the raw product, bitumen, into something more usable, crude oil. By 1974, ground was broken for the second oil sand plant, Syncrude Canada, and the ensuing development of oil would once again spark a fervour of economic development activity in the region.

In sum, factors that account for the decline in the fur trade include the dwindling of fur resources and new resource potential. The development of an animal rights movement together "with the anti-fur lobby groups and the subsequent decline in demand for fur products [also contributed to] the end to the once illustrious fur industry of the region."[340] The result was that, by the early 1970s, the community that had served for nearly two hundred years as the headquarters for the regional fur industry was forced to seek out alternative economic activities and pursuits.

5.2 Postwar Era: From Fur to Oil

While capitalist intrusion into Northern Alberta dates back to the fur trade in the pre-confederation era, postwar capitalist development corresponds to important economic changes that took place in the aftermath of WWII. Of note is the war effort that stimulated both American and Canadian economies and their economic integration. The result was that Canada found an important market for the exportation of its vast mineral resources. This, in turn, led the Canadian state to focus on the development of these resources, most of which were located in the geographic North where Aboriginal people

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339 Ibid., 93.

340 deCardinale, *Fort Chipewyan*, b-1.

represented the bulk of the population.[341] Indeed the importance of natural resources in the Canadian economy is indisputable. As Anderson writes, it was from "the end of WWII until the 1960s [when] natural resource development was often seen from the perspective of its contribution to rapid economic growth, an outlook that fitted in with the staple theory."[342] The production and export of staples that characterized the original economic foundations of Canada persisted in the postwar era, taking on an even greater significance in Canadian and Albertan economic development.

The postwar focus on developing resources in the North stood in stark contrast to prewar policy. Prior lack of interest in northern development was, in large part, due to the remoteness of the north which kept it isolated from the rest of the nation and the rest of the world. On this point Wonders writes that "furs, and later precious minerals" have essentially been the only northern resources extracted.[343] Wonders observes that, as was the case with the fur trade, the vast mineral developments in the postwar period changed the North by tying [it] increasingly to the needs and demands of foreign markets.[344] In other words, global demand for resources once again drew First Nations into the web of world markets and government (national and provincial) economic development agendas. As Wonders elaborates, "the increasing attention paid to the North in the postwar years [was] largely the result of the unprecedented demand still swelling for raw materials

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341 See Prince and Abele, "Paying for Self-Determination," 2-3.
342 Anderson, *Natural Resources in Canada*, 1.
343 William C. Wonders, *Canada's Changing North* (Toronto: McClelland and Stewart, 1971), 2.
344 Ibid.

elsewhere."[345] Certainly one cannot underestimate global demands for oil as inspiration for increased exploration and development activity in the North.

In northern Alberta, the development of natural resources was directly tied to the development of the oil sands. Though the potential of oil sand development had long been anticipated, it only became feasible when the economics of crude oil supply combined with new technology to make it viable. With the intention of extracting oil from sand, this phase of resource development was initially dependent upon government sponsorship. This is in part due to the fact that in 1941, with the war in progress and the Japanese threatening the Pacific coast, the federal government became alarmed at fuel oil supplies in the West and began to investigate oil sands as a war emergency project. Although the emergency that had prompted the federal government to look at oil sands production techniques eventually subsided the federal government remained involved in oil sand exploration given its obvious potential use and market value.[346]

5.2.1 Northern Development and MCFN-Market Participation

Postwar capitalist development in Northern Alberta is largely attributable to the development of the oil and gas sector which gained momentum in the early 1970s. Specifically, development in the Athabasca region was dominated by companies determined to extract oil from sand. Syncrude, launched in 1974, was one such company. Throughout the initial years, however, there was great speculation as to whether or not

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345 Ibid., 5.

346 The province of Alberta also became involved in the oil sands project when it was awarded control over resources in 1930. The provincial role, however, remained fairly limited to matters pertaining to leasing of lands and royalties.

there was a future in the oil sands industry, especially as market fluctuations in the 1970s threatened the profitability of such a venture. The result was that initial development and exploration was reliant on federal and provincial government support.[347] As one senior Syncrude executive explained,

> There were doubters and it was risky in the early days so [investors] pulled out and the government of Alberta and Canada bought an interest in Syncrude and you know not that that influenced the way we operated the company but I think it made for an appreciation among the Syncrude folks of how large this whole entity was and what impact it had on the Canadian economy.[348]

Syncrude officials concede that they likely would not have "gotten started if it hadn't been for the interventions of the provincial and federal governments."[349] As part of the conditions for those interventions, Syncrude signed an agreement with the federal and provincial governments that required it to assist Aboriginal people in finding work within the oil sands operation. This condition was a critical part of the federal and provincial northern development strategy which also sought to create job opportunities for indigenous peoples.

From the outset, Syncrude recognized that Aboriginal people had a natural stake in the company's success and decided that it would have to help them "transcend the challenges of living and working in a modern industrial society."[350] In the beginning, this

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347 Syncrude Canada Ltd. is presently made up of nine energy company owners, which include Conoco Canada Ltd., Nexen Inc., Murphy Oil Co., Petro Canada (12%) and Imperial Oil Ltd. (25%). See Patrick Brethour, "Syncrude owners want it to rein in cost overrun", *Globe and Mail* (October 4, 2002), B3.

348 Syncrude Representative, *Interview with author no. 21* (Fort McMurray, AB: May 5, 2000), 2. The person referred specifically to the withdrawal of Atlantic Richfield Company in 1974.

349 Ibid.

350 Syncrude Canada Ltd. , "Aboriginal commitment" www.syncrude.com/community/aboriginal.html, 1.

required the institutional support of Syncrude's Native Development Program (NDP) which was established in 1974.[351] The NDP was assigned the task to establish an action plan for Syncrude-Aboriginal relations. It tackled issues such as Aboriginal relocation assistance, housing, required education levels, and target goals for employment, support services and cultural awareness for supervisors.[352] It was designed to help Aboriginal employees cope with the transition into Syncrude's culture, while helping Syncrude supervisors better understand and appreciate the different cultural backgrounds of Aboriginal employees. But, as one Syncrude official explains, "at the end of the day, hardly any of the people from around here were involved."[353] Even when Aboriginal people were hired, he explains, "they didn't last long [as it was] just too much of a jump from a traditional way of life to working at a big company."[354]

Despite its efforts, the failure of Syncrude to engage and employ Aboriginal people also meant that government strategy failed. It failed in part because the arrival of Syncrude created a culture shock within the local Aboriginal communities. Although Aboriginal people had participated previously in the fur trade, the new resource development project of the oil sands proved to be substantially different. For the most part, Aboriginal people were unfamiliar with the ways of modern business and development. They were unaccustomed to forming companies and to bidding on

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351 Syncrude Canada Ltd., *Aboriginal Review 1997* (Fort McMurray, AB: Syncrude Canada Ltd., 1997), 1.

352 Ibid, 2.

353 Syncrude Representative, *Interview with author no. 20* (Fort McMurray, AB: May 5, 2000), 1.

354 Ibid.

contracts. The result was that oil sands development created a lot of apprehension instead of providing a basis for new economic activity.

Eventually, in 1982, Syncrude's Native Affairs Department was dismantled in an effort to incorporate Aboriginal issues into the normal course of doing business. But, it was replaced by the Aboriginal Development Steering Committee, charged with the task of ensuring that Syncrude's commitments to Aboriginal development were met. For example, part of Syncrude's post-1982 initiatives included hiring local people for developing training programs and assisting in entrepreneurial ventures. As a company it recognized some of the impediments to fuller participation by local Aboriginal people and devised ways in which it could assist them. To that end, Syncrude developed a program to recruit local Aboriginal people for specific apprenticeships and management development programs, and also provided scholarship programs to assist local Aboriginal students achieve the higher education required to compete effectively for jobs. The result of their efforts was that the Aboriginal workforce increased to 5-6 percent by 1985 but it did not come close to attaining its goal of proportional representation of Aboriginal people that lived in the area which was estimated at 13 percent.

From the beginning, it is clear that Syncrude recognized not only the significant impact development and production would have on Aboriginal peoples in the region but also the importance of being proactive and taking steps to include Aboriginal people in the development process.[355] It also recognized the value of discouraging the disruption of oil exploration. Hence, industry focussed its efforts on securing the support of the

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355 Solange DeSantis, "Native Affairs," *Report on Business* (June 2002), 79.

Aboriginal population. But government actions also contributed to making corporate-Aboriginal relations a pressing issue.[356] Linking national economic development to northern resource development, the government sought to connect the needs of local Aboriginal people for jobs with the needs of industry for a labour force. The purpose of this strategy was to reduce Aboriginal dependency on the state as much as it was intended to enhance Aboriginal economic participation. It was necessary to transform the belief that Aboriginal people "could return to trapping, fishing, and hunting or draw upon Indian Affairs relief."[357] With environmental change accelerating in the region and taking its toll, the option of pursuing trapping, fishing and hunting was receding. Eventually, as the traditional economic way of life disappeared and as many were unable to make a smooth transition to the wage-labour economy, the onus fell upon the state, through various social assistance programs, to ensure that the economic needs of MCFN members were met.

5.2.2 Dependency and MCFN

McCormack explains "the expansion of the Canadian state and business interests into the Fort Chipewyan region was antithetical" to the interests of the traditional economy and the Natives' participation in it.[358] This, McCormack writes, was because Aboriginal people were "subjected to a new process of underdevelopment which involved the intervention of the state not only in the sphere of exchange, but also in the sphere of

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356 Roger Hill and Pamela Sloan, "A New Era in Corporate Aboriginal Relations," *Canadian Business Review* Spring (1996), 22.

357 Tough, *'As Their Natural Resources Fail'*, 307.

358 McCormack, "How the North (West) was Won," 97.

production."[359] Alienated from their land and from their resource base upon which their subsistence way of life was predicated, MCFN members were no longer able to support themselves economically. As Mascovitch and Webster write, fur-era "colonialism, which involved economic exploitation with occasional rations to sustain the workforce [gave] way to welfare colonialism in which cash assistance" became the new staple commodity.[360] Active economic participation that characterized the fur trade era was subsequently replaced by decades of welfare dependence. The lack of Aboriginal economic participation in the postwar economy led to a disproportionate reliance on the state. With the demise of subsistence living and the Aboriginal inability to participate in the marketplace, in 1951 the federal government began to include Aboriginal people in its social assistance programs, beginning with Old Age Security pensions. By 1957 new pensions provided close to $40 monthly which doubled most household incomes.[361] The result was that the institution of social assistance offset financial hardships brought on by the demise of the fur-based resource. Over time, government assistance became a critical mechanism of economic support for MCFN and the basis of Aboriginal dependency on the state.

Conflict over the responsibility for the delivery of social support erupted early on and became the source of numerous inter-governmental disputes. The federal government claimed that Aboriginal welfare was within the provincial constitutional sphere of

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359 Ibid. Yet, according to Tough, the "economic problems faced in the post-1945 period are largely the results of preceding underdevelopment. Tough, *'As Their Natural Resources Fail'*, 307.

360 Allan Moscovitch and Andrew Webster. "Aboriginal Social Assistance Expenditures," *How Ottawa Spends: 1995-1996* (Ottawa: Carleton University Press, 1995), 231.

361 Ibid., 213.

jurisdiction while the provinces maintained that it was a federal responsibility emergent out of its treaty obligations and fiduciary responsibilities.[362] In general, Aboriginal people supported the province's position, highlighting the primacy of their relationship with the federal government, especially given their treaty relationship.[363] They also saw the state in its role as an "instrument in promoting capitalist development by pragmatic intervention where market forces fail or remain absent."[364] Consequently, as Abele explains, the primary focus of the state during this period was to promote northern development and foster staple production. The expansion of social welfare services increased federal presence in the north and eventually led to the extension of full-scale colonial administration in the North.[365]

5.2.3 Social Assistance and Social Problems

The expansion and intrusion of the state in the North, its development strategy and assistance dollars, were incompatible with MCFN economic participation. Neither national economic development strategies nor social welfare programs remedied problems associated with a vanishing way of life; just the opposite. Though data providing precise information as to the extent of MCFN dependency during this era are not available, by the early 1980s it was estimated that 60-65% of Fort Chipewyan's labour force was unemployed, with federal indications that the unemployment figure

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362 Ibid., 214.

363 Yet, over time, the federal government negotiated its way into devolving administration of social assistance programs to the provinces that were given exclusive administrative responsibility for off-reserve peoples.

364 Frances Abele, "Canadian Contradictions: Forty Years of Northern Political Development," *Arctic* 40:4 (December 1987), 311.

365 Ibid., 312.

applied equally to MCFN.[366] Although the reason for the unemployment rate is the absence of jobs, seasonal employment makes the situation better as government agencies rehire or hire locally for their labour in the summer months. Additionally, despite the decline of the fur trade, other resource-based subsistence activity including hunting, trapping and fishing remain a significant part of the local economy by providing a supplemental source of food and some income. Although these factors help explain how people survive and even why they stay in the area, they also indicate low levels of income in the community which explain in part the socioeconomic problems that plague the community, including spousal abuse, alcoholism and addictions and high suicide rates. The implication is that lack of economic independence is directly tied to increased social problems.[367]

What is significant about the postwar era is that it marked the beginning of the modern era, an era characterized by the lack of MCFN economic participation and development in the marketplace. It was also the period that introduced MCFN economic dependence on the state and marked the erosion of the MCFN way of life. These external events and challenges in fact determined the development, or lack thereof, of MCFN during the postwar era. The construction of the WAC Bennett Dam, completed in 1968, by BC Hydro is a case in point because it severely affected water levels in the Peace-Athabasca Delta. This led to a chain reaction on the entire ecosystem that devastated

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366 Woods Gordon. *Cree Band – Ft. Chipewyan*, 7.

367 In commenting on the social condition of the community, many members attribute the violence in the community to the initial contact with Europeans. They relate community violence to European notions of economic and political control and domination. In addition, social problems are also economically

traditional fishing and trapping practices. With their traditional ways of life deteriorating, the majority of MCFN members who only engaged in traditional occupations of trapping and fishing for part of the year came to depend on social assistance as a way of life. Eventually, a new focus on ending dependence emerged that coincided with increasing pressures to dismantle social support programs.

5.3 Globalization: Shifting State-Market and Resource-based Relations

In the postwar era the marketplace was assisted by government development initiatives. In the new political economy, increased global economic pressures led to dramatic shifts in government roles and market expectations. An integrated world economy necessitated a new strategy for government participation *vis-à-vis* economic development. From directing national development to providing an environment for unfettered economic growth, the role of the state was fundamentally transformed by the latest phase in the state-market relationship. Coupled with increased state interest aimed at improving its position in the global economy, this transformation manifested itself in the dismantling of regulations and restrictions that previously inhibited the free flow of goods and hampered international trade. To be viewed as competitive, state focus centred on providing a stable and attractive investment environment. Part of this strategy required the devolution of control and the dismantling of barriers that were an impediment to economic growth, wealth generation and market participation.

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derived, linked to an individual sense of failure since people who find themselves on social welfare tend to turn to alcohol and drugs, and even suicide.

Faced with the potential depletion of global oil sources, the success of the Canadian economy, primarily in the traditional hinterland, once again became largely contingent on the existence of strong resource-based companies able to compete internationally and meet global needs. Most Canadian oil has traditionally come from the West and the ongoing development of the oil sands had the potential to make Canada a major world player in the lucrative oil industry. As predicted by Greg Stringham with the Canadian Association of Petroleum Producer's (CAPP), oil sand development will "have a significant role to play not only in the Canadian economy, but in the world economy."[368]

Globalization takes place within the framework of technology and institutions. This is most evident in the mineral sector in the North where the technology is capital-intensive and a small number of large companies are dominant.[369] Technological development is also critical to Athabasca oil sands development. As Stringham explains, "It used to be that we would only recover about 15 to 20% of the conventional reserve and the rest of it would just stay in the ground because it was too hard to get out. New technologies are going after that remaining 75-80% that's in the ground."[370] New technology means that heavy machinery is now able to dig up Canada's "ace in the hole."[371] Industry analysts claim that the oil sands contain 300 billion barrels of oil, as much as Saudi Arabia, the world's greatest petroleum power. If all the oil were

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[368] CBC, "Oil Sheikhs of the Prairies" (December, 19, 2002), http://ottawa.cbc.ca/ottawanews/fuellingthefuture/oil2.html.

[369] Watkins, "From Underdevelopment to Development," 91. He categorizes corporations as the dominant institutions and government as an institution subservient to corporate needs.

recoverable, the oil sands could satisfy world demand for a decade. But there is an important distinction in the view of Alan MacFadyen. He postulates that oil in "Saudi Arabia is producible probably somewhere around a dollar a barrel [at least most of it and] in the tar sands you're looking at somewhere around $20 a barrel."[372] Although new technology has reduced that cost to approximately $12 a barrel, it is not always economical to produce oil in the tar sands because Canadian producers pay more to produce their oil than most of their competitors. So, the higher the price goes, the more the extraction of tar sands oil becomes not only viable but profitable, meaning that the development of oil remains largely vulnerable to fluctuations in global markets and dependent on global demands.

5.3.1 TLE: Reviving MCFN-Market Participation

Though global demand for finite resources intersects with demands for state retrenchment, there is still a role for the government to play in Canadian economic development. For instance, neoliberal governments must create a climate conducive to investment. At the same time, a collaborative and co-operative effort must be undertaken to improve the effectiveness and the efficiency of the regulatory regime governing non-renewable resource development in Canada. The primary task of government, at both the provincial and federal levels, therefore is to create and sustain an appropriate economic

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370 CBC, "Oil Sheikhs of the Prairies" (December, 19, 2002), http://ottawa.cbc.ca/ottawanews/fuellingthefuture/oil2.html.

371 Ibid.

372 Ibid.

environment, to lay out the rules of the game for economic players to follow and "to make strategic decisions about the overall direction development should take."[373]

For MCFN to start to think about economic self-determination there has to be a very active role for the state. Although both globalization and neoliberalism press for smaller, less active government, government remains active in First Nations economic development because of its legal and constitutional obligations. This means that provincial and federal government involvement remains necessary. It also means that both orders of government are instrumental in transforming a First Nation's economic activity. As one provincial official revealed, the province wants to ensure that Aboriginal people "are part of the industrial development that is going on."[374] It wants Aboriginal people to be part of the "Alberta Advantage." But according to federal government officials, most of the Treaty 8 First Nations missed out on the last economic boom that took place in northern Alberta in the early 1980s.[375] It is important, therefore, in government's opinion to ensure that members of Treaty 8 are involved in the latest phase of economic development. [376] Improving the situation of Aboriginal communities and individuals, clearly a high priority for the federal and provincial government, is also a neoliberal priority as it focuses on strengthening Aboriginal participation in the economy.[377]

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373 Cornell and Kalt, "Reloading the Dice," 30.

374 Provincial Government Representative, *Interview with author no. 25* (Edmonton, AB: May 11, 2000), 4.

375 Federal Government Representative, *Interview with author no. 28* (Edmonton, AB: May 29, 2000), 3.

376 Ibid.

377 Working Group on Aboriginal Participation in the Economy, "Strengthening Aboriginal Participation in the Economy," 17.

In the neoliberal era, governments concentrate on improving national prosperity by removing obstacles to economic development. The vision for a healthy economy today includes recognition of Aboriginal treaty rights, settling land claims and ensuring Aboriginal economic participation. As INAC Minister Nault recently declared, "It's my role to participate in helping to create an economy, or giving the people the opportunity to look at particular avenues to create an economy."[378] Evidently, Aboriginal economic development and self-sufficiency is a supported state endeavour. But as one federal representative, justifying government's attention to Aboriginal economic development, insisted, "I don't think that is so much a government agenda but a reality in the world today. I think that is part of globalization."[379] Seemingly, globalization compels government to promote and support Aboriginal economic development as government uses the impetus of globalization to justify its vigorous support for Aboriginal economic development and participation.

A significant component of government involvement is financial since a primary constraint to economic self-determination and the development of capital opportunities for Aboriginal people is raising new capital.[380] As Zuker argues, the federal government

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[378] CBC, "Ottawa backs northern development plan," http://cbc.ca/storyview/CBC/2001/08/17/nunavut_dvlpmnt010817 (August 17, 2001).

[379] Federal Government Representative, *Interview with author no. 28* (Edmonton, AB: May 29, 2000), 11.

[380] According to Nault, legislation proposed on December 2, 2002, titled the *First Nations Fiscal and Statistical Management Act* (Bill C-19), will create four new public institutions:

- First Nations Finance Authority;
- First Nations Tax Commission;
- First Nations Financial Management Board;
- and First Nations Statistics.

This is in addition to the *First Nations Governance Act* (Bill C-7) which is based on a number of principles, including accountability, transparency and redress – the hallmarks of modern democratic governments.

must dismantle those institutions that impede economic activity and provide the financial means required for First Nations to be self-sufficient. [381] For its part, government recognizes that in order to optimize its investments in Aboriginal people an ongoing commitment is required.[382] Governments thus play an important part in fostering a more supportive environment and providing the access to economic and financial tools required for increased economic participation by Aboriginal people.

MCFN settled the TLE on the assumption that "land, resource and financial arrangements provide for an influx of dollars and other economic development measures into Aboriginal communities [that] increase their financial and economic development prospects."[383] Increased capital means increased decision-making power as bands and band members ultimately decide how to allocate that capital. Accordingly, MCFN also worked towards building a lucrative relationship with the oil industry, most notably with major producers in the area, like Syncrude. Although its focus remained steadfast on the

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See: INAC, *Progress Report: Update on Aboriginal Initiatives* (Ottawa, 2003), www.ainc-inac.gc.ca/nr/nwltr/prp/prp004_e.html.

[381] Richard C. Zuker, "Comments on the Papers at the Session on new and Emerging Approaches to Governance at the State of the Federation Conference on Reconfiguring Aboriginal-State Relations" Conference Paper prepared for *Reconfiguring Aboriginal-State Relations, Canada: The State of the Federation, 2003* (Kingston, ON: Institute of Intergovernmental Relations, 2002), 2.

A similar argument is advanced by Thomas Isaac: "First Nations must examine all economic, legal and political routes to expand their financial base." Thomas Isaac, "Authority, Rights and an Economic Base: The Reality of Self-Government," *Native Studies Review* 7,2 (1991), 72. Also, it is important to point out that although MCFN did take cash in lieu of land in the TLE, it did not receive compensation for unfulfilled economic benefits. Hence, it launched a subsequent, specific claim seeking remuneration for government failure to provide economic benefits set out in Treaty 8. This case is referred to by MCFN as the "cows and plows" claim.

[382] The same is true for self-government. Isaac writes that "the reason negotiations and "treaties" are the preferred *modus operandi* for governments has more to do with practical self-interest and self-preservation than with principles related to the maintenance of, and respect for, Aboriginal rights." Isaac, *Aboriginal Law*, 134.

[383] Working Group on Aboriginal Participation in the Economy, "Strengthening Aboriginal Participation in the Economy," 13

outstanding terms of the treaty, it was clearly looking ahead to a new phase of economic participation. The TLE was an important first step because it provided MCFN with land and monies that left it able to generate new economic activity. Clearly, the settlement of the TLE was critical not only to the reconfiguration of Aboriginal-state relations but to the economic transformation and development of MCFN. In terms of economic development, achieving financial independence was the most significant step forward in the last 100 years.

To reiterate, a primary component of the TLE was the financial award. In terms of capital expenditures, the funds awarded to MCFN at the time of the TLE settlement are held in trust, locked into a capital account requiring the high approval rate of seventy-five percent of the voting membership for expenditure. Per capita distributions from the fund are strictly prohibited. Instead, interest is spent or invested at the discretion of the Chief and Council for the benefit of the entire membership. Through prudent management of its financial resources, MCFN now has a capital base that enables it to participate and compete in the regional economy. The flexible nature of the land claim funds provides MCFN with relatively high liquidity and the ability to respond quickly to economic opportunities as they arise.[384]

5.3.2 Post-TLE Economic Development

The MCFN vision of success lies in its ability to develop and diversify an economic base that will enable it to compete in the marketplace, and by extension, improve the quality of life for its members. In other words, MCFN strives to generate economic growth that will

enable it to confront social challenges. New avenues for economic development are necessary because, as Waquan concedes, "the sad reality of it all is everything has been affected with no hope of recovering or healing."[385] There is a sense that it is impossible to live as they did years ago "because there has been too much development and globalization."[386] Despite what some might consider being a sudden leap into the modern world, MCFN has neither forfeited nor forgotten its legacy as stewards of the land. Their indigenous identity is not lost in the pragmatic recognition that it is impossible to recapture or live exclusively by traditional means. Instead, economic development strategies encompass Aboriginal values while also recognizing the importance of being able to compete and participate in the globalized economy. The key to balancing these two elements lies in their choice of activity.

Speaking to the issue of economic development, former Chief Archie Waquan suggested that "we must continue to focus our energies on economic and human resource development [because] these two areas are often seen as separate but they are, in fact, very related."[387] To his credit, Waquan recognized early on the link between market participation and socioeconomic amelioration. He acknowledged that a strong, diversified economic base that provided opportunities for the MCFN members to build skills was the key to the future of MCFN economic success. From that vantage point, MCFN has developed its own group of businesses that include Fort Petroleum, a bulk

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384 Selin, *Into the New Millenium,* 2.

385 Archie Waquan, "Presentation by Mikisew Cree First Nation to the Royal Commission on Aboriginal People" (Fort Chipewyan, AB: June 18, 1992), 17.

386 MCFN Member, "Interview with author no. 27" (Edmonton, AB: May 27, 2000), 5.

387 Selin, *Into the New Millenium,* 6.

fuel distribution business that retails a wide range of fuel and petroleum products to the residents; Air Mikisew, an airline with service extending between Fort Chipewyan, Fort McMurray and Edmonton; and Mistee Sepee Development Corporation (MSD), a construction-company.[388] MCFN businesses operate primarily in the northeastern corner of Alberta, in Fort Chipewyan, Fort McMurray and Edmonton, in various sectors of the economy. An important function of these businesses is to train and employ MCFN members, thereby developing human capital in addition to delivering important services to the community and MCFN members.

Although limited development opportunities exist within the community itself, MCFN has managed to develop important employment and training opportunities for its members. First, given the lack of reliable banking services in Fort Chipewyan, MCFN and the Alberta Treasury Branch entered into partnership to open an agency in Fort Chipewyan in May, 2002. It is located in the centre of town and is accessible to everyone in the community. This institution offers a full range of banking services as well as a cash machine. It is designed to provide employment for two members. Second, further south, in Fort McMurray, the band used land it purchased with TLE monies to build Super 8

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[388] Air Mikisew operates two flights daily between Fort Chipewyan and Fort McMurray, flying some 15,000 passengers yearly. The airline also carries 3,000 Syncrude employees between Fort Chipewyan, Fort McMurray and Edmonton annually, provides air service for major tourist operations as well as emergency medical evacuation services. In addition, Air Mikisew has ongoing negotiations with Suncor and Shell Canada to provide future charter and corporate shuttle services. With its growing success, MCFN has been able to provide its members with a return on their investment. More specifically, MCFN now defrays some of the costs of transport for its members. This includes two-discounted seats and reduced rates on freight for MCFN passengers on each flight, awarded on a first come, first serve basis. The point of the reduction is to ensure that MCFN members who invest as a band in the business venture also benefit from the airline initiative.

MSD is owned by MCFN and employs 30 people year-round and trains an additional 10 people each year. In 1995 it successfully entered the booming but competitive building industry in Fort

Motel of which MCFN owns 62.5% of the shares.[389] A very successful venture, the motel has been operating at 93% occupancy and was recipient of a very prestigious award in the hotel industry for the best managed and cleanest Super 8 in Canada. MCFN are currently involved in an expansion project. The point of this project is to ensure that MCFN will receive an excellent return on its investment when profits are shared between the partners. As one member explains, "This is one very good example of how the bands monies are being used to generate new revenues for the First Nation."[390] As part of the expansion project, MCFN has reached an agreement to create a special hotel management training program for two of its members. The hope is that if the pilot project works out that the plan will be expanded to recruit two more members. Finally, in Edmonton, MCFN purchased a new manufacturing business that opened in July, 2002. Though details of the operation were not released due to confidentiality agreements, the long term hope is to open a site of operation in Fort Chipewyan. In the meantime, the business will provide between 10 and 15 employment opportunities for members living in Edmonton.

By virtue of its many economic initiatives, MCFN is the largest single employer in the community. Alone the First Nation employs a total of 103 people in its government, business and education departments.[391] Hence, for the band, economic development is critical in terms of job creation and the employment of its members. In part, its job-creation function is a result of the deterioration of other employment sectors

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McMurray. It soon secured millions of dollars in construction contracts, providing much-needed employment for members living there.

389 Mikisew Cree First Nation, "Super 8 Motel" *The Call of the Eagle* 1:2 (March/April, 2002),1.

390 Ibid., 4.

within the community. Previously a large number of the jobs in Fort Chipewyan were available in the public sector. A total of nine government agencies with offices in the community, three of which are federal and six of which are provincial, once provided a combined total of 58 permanent positions.[392] But, with the cutbacks in agencies and departments across government, fewer jobs were available in the community. For instance, one member explained how there used to be jobs in Parks Canada but that government was cutting back so that "those jobs aren't there that used to be."[393]

Job-training opportunities are an integral element of MCFN development program and profit-generating ventures are vital to its long-term economic success. MCFN corporations are required to generate profits which are then re-invested in the general operation of the First Nation. The point of this arrangement is to assist MCFN in developing the Allison Bay Reserve, transforming it into the centre of the MCFN community. Through revenues and services generated by its various band-owned businesses, MCFN has committed a total of $15 million over eight years towards the Allison Bay Reserve project.[394] Alongside the development of community infrastructure on the reserve, Allison Bay is designated as the new location for MCFN businesses and their headquarters. Yet profit is not the sole impetus for economic development. As MCFN member Ed Courtoreille, former President of the MCFN business 2000 Plus responded when asked what motivates him, "It's not the profits that we are gaining for

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391 deCardinale, *Fort Chipewyan,* c-3. Collectively, the business interests of MCFN employ close to two hundred people, b-6.

392 Ibid., c-7.

393 MCFN Member, "Interview with author no. 11" (Fort Chipewyan, AB: April 17, 2000), 4.

our First Nation. It's seeing the positive changes that occur within our people as they pursue a better way of life which comes from steady employment, financial success, independence and increased self-esteem."[395] This suggests that MCFN, as part of its economic development strategy, is deeply committed to improving the welfare of its people with success not measured simply in jobs and income but in human and cultural terms.[396]

Of course, as globalization drives economic growth that is necessary for self-government, another way for MCFN to generate revenue is to tax its own people. Taxation represents an issue of globalization and economic development as it raises important questions over the financing of self-government. Already MCFN leaders have expressed an interest in pursuing taxation of its members. As one member explains, "self-government is the day we have our own taxation."[397] This view is shared by the province that maintains "self-government means paying your own way."[398] Clearly, a dynamic economic base is necessary to provide the means for self-government but many MCFN members fail to make this connection: "It [self-government] is not explained well enough to the people. They say that it is good but in the long run we will have to start taxing them, tax them on their lot."[399] For some MCFN members if self-government means the end of their treaty right to non-taxation then it is not a good idea. For instance, in a 2002 case launched by Gordon Benoit, an MCFN member, Justice Douglas Campbell ruled

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394 INAC, "Mikisew Cree First Nation: Backgrounder" http://www.inac.gc.ca/NEWS/sept96/9647bk.html.

395 Selin, *Into the New Millenium*, 5.

396 Cornell and Kalt, "Reloading the Dice", 5 and 47.

397 MCFN Member, "Interview with author no. 11" (Fort Chipewyan, AB: April 17, 2000), 3.

that Treaty 8 entitles its members to be free from any kind of taxation.[400] This landmark ruling signals a growing movement by Aboriginal people to protect their tax-free status.[401] Given the anti-taxation sentiment held by many Aboriginal people, MCFN leaders admit that imposing taxation on band members would be a "hard sell" because many members do not understand the tax system or do not support the notion of paying taxes. Yet, MCFN leaders see taxation as inevitable if they are to sustain their political and economic operations. As one member notes, "we are not sitting on oil or anything [so taxation] would be the first thing to figure out (vis-à-vis) how we are going to make money to survive."[402] MCFN has taken a first step by taxing those (members or not) who choose to operate a business on-reserve.[403] Although MCFN has a substantial capital base from which it currently funds a large proportion of its programs, it is obvious that the issue of taxation is integral to the issue of self-government. Hence, taxation remains one element of self-sufficiency that it will have to tackle in the future.

5.3.3 Resource-based Economic Development

Immediately following the TLE MCFN participation in the local resource-based economy remained weak. Although a $20 billion dollar resource development project was

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398 MCFN Member, *Interview with author no. 11* (Fort Chipewyan, AB: April 17, 2000), 3.

399 MCFN Member, "Interview with author no. 9" (Fort Chipewyan, AB: April 17, 2000), 7.

400 Mikisew Cree First Nation, "Stunning Victory for Treaty 8 in Benoit Case" *The Call of the Eagle* 1:2 (March/April, 2002),1. See also: CBC, "Canada Appealing Decision to Exempt Natives from Taxation," http://cbc.ca/storyview/CBC/2002/11/19/tax_exempt021118 (November, 19, 2002).

401 According to Assembly of First Nations Vice Chief Bill Erasmus, First Nations governments are the only governments that properly have authority to tax First Nation members. See: "Aboriginal tax dodge questioned," (April 9, 2003) http://north.cbc.ca/reginal/servlet/View?filename=ap09taxes03092003.

402 Provincial Government Representative, *Interview with author no. 25* (Edmonton, AB: May 11, 2000), 14.

occurring immediately to the south in the oil sands, MCFN did not appear to be benefiting. Yet, the oil patch was supposed to provide opportunity for MCFN and other local First Nations, not only in terms of direct employment but also in contract opportunities. Obviously MCFN viewed participation in oil sands activities as a way to optimize its economic potential. Reaching out to the private sector was an important part of its economic strategy. It was also important to Syncrude which viewed Aboriginal people as an important reserve army of labour. As one official at Syncrude explained, "Here is an untapped source of human resource."[404]

After the TLE, the time was ripe for tapping that source. Syncrude set out to assist MCFN develop new businesses in areas that remain undeveloped, to carve out its niche in the oil sands market. Syncrude led the way, working with MCFN to establish businesses, then opening up contracting opportunities for local Aboriginal business and working with them to enhance their competitive capacity.[405] It helped MCFN launch 2000 Plus in 1991, a labour contracting company supplying both skilled and semi-skilled tradesmen and labourers, along with equipment, for major oil sands companies in the area.[406] Since its inception, 2000 Plus has grown enormously, its revenue ballooning from $250,000 in its first year to $4.4 million only six years later, in the 1997-98 fiscal year. Its employee base has also expanded, from six employees to 80 employees. It is developing a trained

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403 According to INAC there are currently over 80 First Nations collect property tax, of which MCFN is one. See INAC website, http://www.ainc-inac.gc.ca/pr/ra/bbt/apc_e.html. See also, *The Hill Times* February 10, 2003.

404 Syncrude Representative, *Interview with author no. 21* (Fort McMurray, AB: May 5, 2000), 9.

405 Hill and Sloan, "Canada," 50.

406 In 1997, 2000 Plus signed a five year contract with Syncrude Canada and one year later it signed a contract for the same length of time with Suncor, followed by an agreement to provide maintenance and labour services to Shell Canada for a period of eighteen months. Selin, *Into the New Millenium,* 4.

work force composed mainly of MCFN members living in Fort McMurray whose employment numbers jump to 220 during the shutdowns at the plants, making 2000 Plus the third largest employer of Aboriginal people in the region, next to Syncrude and Suncor.[407] In 1997, 2000 Plus signed a five year contract with Syncrude Canada and one year later it signed a contract for the same length of time with Suncor, followed by an agreement to provide maintenance and labour services to Shell Canada for a period of eighteen months. Syncrude, therefore, helped MCFN overcome some of the barriers that previously impeded its economic participation.

The presence of external opportunity is another important factor to consider when explaining increased MCFN economic participation in the post-TLE era as Aboriginal businesses like 2000 Plus, which were initially assisted by Syncrude, grew to achieve recognition for their success with national awards and expand to work with a variety of oil and gas companies in the region. Eventually, economic and political links to the regional community improved MCFN's ability to access broader markets for their

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[407] The success of 2000 Plus has not been without its obstacles. Despite their initial aim to work with the local First Nation communities to build companies that would hire local people and provide important services, Syncrude still encountered hostility from the Chipewyan band in Fort Chipewyan. Though they thought they had done a great thing for Fort Chipewyan and the people up there, they soon realized that 2000 Plus was focussing their hiring on the Cree band and the Chipewyan weren't getting access to any opportunities. This caused quite a problem between Syncrude and the Chipewyan. This acrimony was soon resolved when Syncrude became more cognizant of how the community functioned and set out to assist the Chipewyan band in a similar way. The result was the creation of Denesuline, which employs 70 Chipewyan people and handles all the waste management on the Syncrude and Suncor sites. Reflecting on their oversight, Syncrude officials commented on how they were so proud of 2000 Plus because it just started and took off and became a great company, they couldn't understand how they could be accused of not helping them or supporting the community. This has led the company to focus on building business relationships with other First Nations in the region, like Fort MacKay, who exist in the shadow of Syncrude. By determining what the community needs, they are more able to help and satisfy those needs. Yet, Syncrude remains proud of their connection to the Cree band, pointing out how they managed to "get on their feet" and become a highly advanced community, ahead of the other communities in the region, despite its isolation and remote northern location

products and services and developed its labour expertise. But Syncrude not only helped MCFN as a band, it also helped individual band members compete more effectively in the marketplace.

With the support of Syncrude, MCFN member Dave Tuccaro took the opportunity offered him to purchase Neegan Development, an MCFN contract company, from the band and run it himself.[408] To assist Tuccaro in making the business a success, Syncrude financial managers took a look at the company and suggested areas where Tuccaro could concentrate his efforts. For instance, they noted that income was being lost in maintaining older equipment that was in need of being replaced. Syncrude sent in a mobile maintenance crew to work with Tuccaro and set up maintenance systems that helped Neegan Development change over their equipment and purchase appropriate equipment, performing their tasks more efficiently. That, one Syncrude official explains "essentially got things off the ground and Dave went on to build Neegan into a profitable and reputable company."[409]

Tuccaro now owns and controls a host of businesses that include Tuccaro Inc. which finances interests such as property rentals and commercial development. He also operates Aboriginal Global Investments (money market investment), Aboriginal Technical Services (environmental engineering and laboratory services), Tuc's Contracting (water and vacuum truck services) and CreeAtive Custom Woodworking (a

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[408] Focussed on heavy equipment operations: excavation, grading, landscaping, ditching, packing, gravel hauling, raking and brush/forest clearing; surveying, safety consulting and training, water and vacuum truck services, Neegan Development Corporation Ltd. is a versatile company with expertise in the heavy equipment and construction business. The corporation also offers services in project management

furniture-manufacturing company in Calgary). In speaking about his success, Tuccaro explains that Aboriginal people "have to start saying we can do it ourselves, or someone else will still be looking after us."[410] He adds, "I left my community because there wasn't enough opportunity for me there. I had to compete in the Canadian [and now global] marketplace." As Tuccaro seeks more ways to expand his businesses, he actively promotes global business opportunities for the world's Indigenous peoples.[411]

Tuccaro's success indicates the extent to which the Mikisew Cree, at least at an individual level, are able to participate in the local, national and global marketplace. As corporations develop non-renewable resources, they similarly develop human capital. This has proven invaluable for struggling individuals keen on ending their dependence and accessing the opportunities readily available for those with the skills and the ability to take advantage of them. As one Syncrude official explains, "What I have always found is that most of the Aboriginal people just need some encouragement and some opportunity. They just need a light at the end of the tunnel and some mentoring…once they have that opportunity I can tell you they are no different than anybody else. They are just going to get at it and do it."[412] For its part, industry believes it can provide this direction and support to burgeoning Aboriginal entrepreneurs.

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and construction service (i.e. surveying, safety consulting and training, water and vacuum truck services, and tree planting).

409 Syncrude Representative, *Interview with author no. 21* (Fort McMurray, AB: May 5, 2000), 7.

410 Joan Black, "David Tuccaro: Creating opportunities for others motivates businessman", *Windspeaker* www.ammsa.com/achieve/AA99-D.Tuccaro.html, 3.

411 National Aboriginal Achievement Awards, "David Gabriel Tuccaro: Business and Commerce (1999), http://www.naaf.ca/rec99.html#Tuccaro.

412 Syncrude Representative, *Interview with author no. 21* (Fort McMurray, AB: May 5, 2000), 7.

Not only do oil sands producers recognize the local Aboriginal population is growing exponentially and represent an untapped source of human capital which can fill a growing need for labour, but they also recognize that good working relations with First Nations are conducive to maximizing shareholder value in the long run. The contemporary view of the corporate-First Nation relationship is that it is a significant investment, yielding a large return. While only twenty years ago, First Nation leaders were largely ignored by the corporate executives, today there is an important and familiar relationship between the two groups. As one official explains, "you make sure the Aboriginal people in the region, and particularly for us here because there are a high percentage of them, are onside with what you are doing and you are going to maximize shareholder value at the end of the day."[413]

The underlying fact remains that tar sands industries must compete in the global market for investment capital required for ongoing non-renewable resource development. Globalization thus presents tar sands companies with an extremely intense challenge. They must do everything they can to be competitive and this includes having good relations with their neighbours. In the past, court challenges have been tolerable. Now, they have to be avoided because they limit the ability of a company to compete in the new, more demanding globalized economy. In the present investment environment, the litmus test of the status of industry-Aboriginal relations manifests itself in the regulatory process.[414] The better the relations with the local Aboriginal people the better the chances are of avoiding a costly hearing. Because a hearing costs four or five million

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413 Ibid., 3.

dollars for a company like Syncrude, "having bad relations with local Aboriginal people in this area would just be a nightmare [because] you don't want the expense [of a hearing], but the expense of the hearing is not the thing. The expense of the delay of approval - that is the thing."[415] As oil sand companies seek to increase profits, they seek to increase production, preferably unencumbered by hearings and protest. Consequently, the corporate approach has been to develop long term relationships with First Nations so that they can deal with any grievances on an ongoing basis. For example, in their effort to develop their millennium project, Suncor received approval without any interventions by local First Nations. According to one spokesperson, this is testament to their relationship.[416] They add that it also demonstrates the value of doing consultations on an ongoing basis.

Part of this allure of an MCFN-industry relationship is rooted in the potential employment opportunities generated by the oil sands companies. Records indicate that twenty-seven MCFN band members work directly for Syncrude and that many other jobs exist through contract opportunities.[417] The majority of employment prospects, however, remain in labour-oriented jobs like waste disposal, pest control, roadwork and environmental cleanup. As a result, MCFN is not only interested in how many jobs are created. It is increasingly concerned with the kinds of jobs that are created and the limits of its involvement in resource development in the region. Although its relationship with the oil sand companies had clearly generated jobs, jobs are not enough. Despite their

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414 Syncrude Representative, *Interview with author no. 24* (Fort McMurray, AB: May 5, 2000), 5.
415 Syncrude Representative, *Interview with author no. 20* (Fort McMurray, AB: May 5, 2000), 8.
416 Syncrude Representative, *Interview with author no. 24* (Fort McMurray, AB: May 5, 2000), 5.

auspicious start, many MCFN members do not believe that the corporations are doing enough. Others simply observe that "they don't benefit Mikisew."[418] As one member asserts:

> When you think of these companies, they always try to get you in there to do labour work. They never ever offer to give you a percentage of the company, like we are only good enough to do labour. And we don't like that. We want to be part of that company which means we want a percentage of it so we can buy into what they are starting.[419]

MCFN's desire for more meaningful participation in the development process is inhibited only by the fact that MCFN does not possess the money required to proceed to the partnership level (namely as part owner), despite its aspiration to participate more equitably in the oil industry.[420] To transform this situation, it is developing the political and economic strength required to participate in development projects at a more substantial level and it is suing for control of Alberta's oilsands and compensation for past revenue. Beginning in 1996, MCFN launched a legal suit accusing the federal government of defrauding it of mineral title. MCFN lawyer Jeff Rath argues that the federal government was aware of the great mineral deposits and potential wealth at the signing of Treaty 8 and failed to release this information to MCFN. Furthermore, it dissuaded MCFN from claiming oil sands lands during its TLE. Hence, MCFN is

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417 deCardinale, *Fort Chipewyan, c*-4.

418 MCFN Member, *Interview with author no. 9* (Fort Chipewyan, AB:April 17, 2000), 2.

419 Ibid., 10.

420 As one member explains, "We had a discussion. They had five or ten shares for sale. We sat and talked. We don't have the money." MCFN Member, *Interview with author no. 11* (Fort Chipewyan, AB: April 17, 2000), 5.

pursuing legal action as part of its strategy to benefit more fully from local resource development.[421]

Another part of its economic development strategy involves MCFN working through the Athabasca Tribal Council (ATC). Located in Fort McMurray, ATC represents a conglomerate of Treaty 8 First Nations that includes the Athabasca Chipewayn First Nation, Mikisew Cree First Nation, Chipewyan Prairie First Nation, Fort McMurray #468 First Nation and Fort McKay First Nation. ATC effectively works with the local communities as an advocate and a resource. While ATC provides a host of social services (education, training, social welfare support), MCFN has been particularly interested in its industry relations initiatives. ATC recently negotiated a tripartite agreement with local industry, the provincial government and its membership nations to address socioeconomic conditions and target life skill issues that continue to plague local First Nations. Specifically, the deal focuses on five areas where capacity building is required to enable the First Nations to take advantage of local resource opportunities. The five areas include the capacity for environmental consultation, education, employment and training initiatives, human infrastructure (health and social welfare), physical infrastructure and further long term benefits that will continue beyond the period of resource extraction. Negotiated by Marlene Poitras, CEO of ATC and a member of MCFN, this deal consolidates institutional support for capacity building and represents long term strategic planning for Aboriginal participation in regional operations. As one

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421 Rath speculates the claim is worth $10 billion which means it could ultimately bankrupt the province and, in the interim, unbalance the stable political environment that attracts energy companies to

government representative explains, "this time, the First Nations of northeastern Alberta get their own chance, as it were, to tap a gusher."[422] With industry and government responsibilities identified and their associated financial support confirmed, ATC provides an important institutional base that supports MCFN economic development ambitions.[423] It also plays a key role in accessing funding support and coordinating government, industry and Aboriginal initiatives.

Despite its ambitions and its success to date social problems continue to plague the MCFN community. MCFN leaders recognize that efforts to improve the lives of their members are complicated by the bitter legacy of residential schools, lack of education and lack of life skills. This means that membership development requires many changes that include ending membership dependency on the state.

5.3.4 Social Problems and Social Enhancement

With many social and economic hurdles to overcome, dependence on social welfare transfer payments remains endemic. It is a major source of income and dependence in the community. For those members who remain unemployed and on welfare, there is a concerted effort under way in the community to transform this condition primarily through a unique and innovative program called Social Enhancement.

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the region. For more on the case see Graham Thomson, "Lawyer warns suit not 'frivolous'," *Edmonton Journal* (Thursday, June 24, 1999) www.edmontonjournal.com/news/stories/990624/2768145.html

[422] INAC "Athabasca Tribal Council inks historic oil sands deal," (February 4, 2003) www.aincinac.gc.ca/nr/ecd/ssd/otm22_e.thml.

[423] Mikisew Cree First Nation, "MCFN Industry Relations Agreement" *The Call of the Eagle* 1:2 (March/April, 2002), 13.

The mandate of the Social Enhancement program is to achieve social reform. It functions to motivate and encourage individuals to exercise their self-determination toward self-reliance and to end their dependency on welfare. As part of the social development endeavour, Social Enhancement teaches people that welfare is not a right and that government will not always be there to take care of them. Instead, it instructs them to seek out other economic alternatives. One Social Enhancement officer suggests that it is important to change their way of thinking.[424] To that end, the Social Enhancement program also encourages education because there appears to be a direct correlation between lack of education and high levels of welfare dependence. Education is an important, if somewhat obvious, target given the low numbers that finish high school and receive a secondary school diploma. As another member explains, "There is a lot of opportunity out there for employment. In terms of the community, there are not enough people; people don't have enough training or education to get those jobs. [There is] low education and low training."[425] With current rates of high school completion hovering somewhere between 10% and 30% education is an important component of social reform.

In accounting for the low educational levels, one member suggests that "it's a combination of everything. I think it's the combination that could be the school system, it could be the lack of support at home, it could be low self-esteem, low confidence, it could be a social problem. It could be drugs or alcohol [or] family abuse."[426] Hence, a

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424 MCFN Member, *Interview with author no. 10* (Fort Chipewyan, AB: April 17, 2000), 6.
425 MCFN Member, *Interview with author no. 12* (Fort Chipewyan, AB: April, 18, 2000), 4.
426 Ibid.

significant part of the social reform project consists of the difficult task of motivating people to return to school and assisting them in overcoming impediments that function as a barrier to educational accomplishment. For those without educational ambitions, Social Enhancement also works to provide people with other alternatives to welfare. For the most part, however, alternative approaches to welfare focus primarily on economic and social development. This means that the Social Enhancement office works in conjunction with another agency, Employment Services, to provide members with basic life skills and job-related training. It serves members in a variety of ways: helping them to prepare resumes, apply for funding, apply for jobs and assisting members who are involved in apprenticeship programs. It works with members on setting goals and setting out the steps required to achieve those goals, all of which are designed to end welfare dependence.

The federal government is invested and involved in welfare reform as it forms a critical component of the neoliberal agenda. Federal involvement is designed to provide training and skills development opportunities geared to reflect both individual abilities and market needs. In effect, MCFN works in collaboration with Human Resources Development Canada to develop links with local employers as part of their social reform program. This is intended to provide welfare recipients with employment skills while also providing local companies with much needed labour. It was through such an initiative that forty-seven community members were hired in the spring of 1999 to work at a shutdown at Syncrude. What happened, as one member puts it, was that "our people weren't ready and after their first check a lot of them were either terminated or they

quit."[427] While the rate of attrition suggests that Social Enhancement, as a program, is not working, this member adds: "But then I look at the 13 people that went through it and finished and completed it and then I think it was worth it."[428] Evidence of the program's success is reflected in the success of those who made the transition from welfare to work. Because the majority involved did not last even a month one member suggests that employment is just a band-aid solution.[429] Nevertheless, full employment remains the priority for MCFN. Although it is not obvious how successful this program will be in eradicating MCFN welfare dependence, what is clear is that federal and provincial governments are eager to work with Aboriginal communities and the private sector to enhance employment opportunities for Aboriginal people. What is also clear is that MCFN appears eager to eliminate welfare dependence through social enhancement-type programs.

The MCFN Social Enhancement program not only provides employment opportunities and welfare alternatives, but it also makes available basic assistance to 28 families (approximately 95) people and 46 single people. The program pays for such items as utilities (28 families/persons) and rent (9 families/persons). In addition, the program provides bereavement assistance to those families/persons in need. A large operation, the total expenditures for the month of February, 2002 alone were over $50,000.[430] Social spending represents a significant expense but it remains consistent

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427 MCFN Member, *Interview with author no. 10* (Fort Chipewyan, AB: April 17, 2000), 5.

428 Ibid.

429 MCFN Member, *Interview with author no. 12* (Fort Chipewyan, AB: April 18, 2000), 11.

430 Mikisew Cree First Nation, "From the Desk of the CEO" *The Call of the Eagle* 1:2 (March/April, 2002), 13.

with MCFN values that emphasize community needs and well being.[431] For that reason, it is willing to spend the money required to ensure its members have the basic necessities and opportunities. Sensitive and understanding of the needs of its members who are socially and economically challenged and at risk, the band is committed and dedicated to improving the circumstances, environment and future of its people. For all intents and purposes, its programs seem to be working. Poverty does not appear to be a crippling problem in the community. Unemployment figures for 1996 suggest that the social assistance dependency rate was only 20%.[432] This represents a 40% drop from figures provided only fifteen years previously. And it reflects an improvement in the socioeconomic status of the community.

As MCFN has aggressively pursued an active economic agenda, it has sought to improve the quality of life of its membership. Part of its strategy has involved developing and diversifying its economic base to meet the needs of the people who depend upon it. In effect, MCFN, through its subsidies and programs, has worked to generate wealth and opportunity that enables it to reinvest in the community. Even the importance of self-sufficiency and self-determination do not eclipse the underlying concerns for community needs and well-being that are rooted in local ownership and authority as well as education, training and career development.

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431 DeCardinale, *Fort Chipewyan,* j-1.

432 Mikisew Cree First Nation, *Building First Nation Independence*, 4.

5.4 Conclusion

It is obvious that industry, government and MCFN share an interest in increased MCFN economic participation. To accomplish this goal requires a collaborative effort to "improve the situation of Aboriginal people in terms of employment opportunities [and helping them to access] those opportunities."[433] It necessitates the dismantling of barriers that inhibit Aboriginal participation in the marketplace. It demands a supportive business climate, government development dollars and training programs, and joint support for individual and community-based capacity-building. Finally it involves access to capital and access to markets.

As MCFN, the state and industry (e.g. Syncrude) work to increase MCFN economic participation they proceed from a set of shared assumptions that are mutually reinforcing. At the core is the assumption that the key to Aboriginal self-determination lies in the ability of a First Nation to compete effectively and independently in the marketplace. Implicit in this assumption is that equality found in the marketplace will ultimately lead to socioeconomic parity. Economic strategies developed by Aboriginal organizations, the private sector and government are therefore designed to achieve practical results; that is, to overcome challenges in Aboriginal socioeconomic development and to strengthen Aboriginal participation in the economy.[434]

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[433] Ibid., 2.

[434] In a study conducted by Donald Savoie, he argued "that Aboriginal economic development should focus on the broader social development of Aboriginal communities and the province of New Brunswick in general rather than on narrowly, focused economic development initiatives, while not discounting the latter." Summary of argument found in Working Group on Aboriginal Participatio in the Economy, *Strengthening Aboriginal Participation in the Economy*, 21. Original source, Donald Savoie, *Aboriginal Economic Development in New Brunswick* (Canadian Institute on Regional Development, 2000).

MCFN economic participation and its socioeconomic status have also been enhanced by virtue of the fact that MCFN economic participation is not entirely dependent upon state funding or industry initiative. Having its own capital base, MCFN possesses sufficient capital necessary to meet important political and social objectives and take advantage of emerging economic opportunities. This capital base also means that it is also able to pay its own way. As many Aboriginal communities and businesses often lack equity, they encounter difficulty in acquiring adequate business financing. Access to loan guarantees, equity and debt financing are important issues for both business and community development.[435] Hence, a capital base is integral to economic development and self-determination.

In conclusion, the post-TLE experience of MCFN stands in stark contrast to its pre-TLE life (see Appendix E for Summary of MCFN Governance Transformation Pre- and Post-TLE). What is clear is that it has just begun its journey in economic development and participation. As part of this process, the community concentrates on developing capital, capacity and training, regaining control of lands and resources, developing new partnerships, an educated and skilled workforce, ultimately increasing its self-determination. As MCFN remains focussed on the future, it clearly holds many valuable lessons for other communities that may be travelling on a similar path.

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435 Ibid., 10.

Chapter Six

Conclusion: Towards A New Understanding of Aboriginal Governance

6.0 Research Contribution

Using MCFN as a case study, my research locates Aboriginal self-determination firmly within neoliberalism and connects it to globalization. This study is unique because it links periods of global political economy to periods of Canadian policy regarding Aboriginal people. Arguably there are a number of additional stimuli guiding the development of state Aboriginal policy (such as judicial rulings and Royal Commissions). This thesis offers not only an explanation of the underlying cause for change but also an explanation of the nature of the change occurring. Hence, it confronts challenges raised by shifting state policies and market relations and provides insight into the way MCFN is managing the political and economic demands of Aboriginal self-determination. It demonstrates the extent to which MCFN as a well-resourced First Nation is able to function effectively and efficiently in an environment in which the marketplace is privileged.

Just as it was the series of historical events that persuaded, influenced and shaped Crown-MCFN-market relations so too are current events responsible for modern manifestations in Crown-MCFN-market relations. The transformation of MCFN governance is inextricably linked to changes in state development strategies designed to facilitate the demands of the global economic order and market demands for finite resources. Clearly, the state functions as the critical instrument through which

globalization's demands are met and mediated. The result is a series of shifts in Crown-MCFN-market relations that directly correlate to shifts in the international political economy. More specifically, the pattern that emerges reflects evidence that where the global economy functioned historically to seek out and exploit resources, and where the state was largely laissez-faire, First Nations enjoyed a significant degree of political autonomy and unobtrusive market activity. Then, with the increased regulation of the global marketplace and the rise of the interventionist state, First Nations autonomy was restricted and economic activity subverted. The result was that they became wards of the state. Finally, in the present era of globalization, as the neoliberal state promotes unfettered market development, there is a movement to restore Aboriginal independence, political self-government and economic self-sufficiency. Hence there is an important correlation among global economic imperatives, state policy initiatives and Aboriginal self-determination.

First, there is an undeniable linkage between neoliberalism and self-determination. Combining document analysis with primary research in the form of interviews with key stakeholders, including members of the Mikisew Cree First Nation, industry leaders and relevant policy actors in the provincial and federal government communities, this study provides evidence of parallels between MCFN economic objectives and those of the primary industries of the region and government that are quite pronounced. It proves that MCFN self-determination, with its focus on increasing band responsibility for health, education, housing, welfare and economic progress, fits

comfortably with the free market philosophy of a minimal state, non-government provision of services and economic self-sufficiency.[436]

The MCFN study indicates that self-determination requires more, however, than just a "good fit among [the] economic system, governing institutions and cultural standards."[437] It makes obvious the fact that self-determination also requires direction and development by Aboriginal leaders and members who understand the linkages among social, economic and political development and can invent their own solutions. It implies that for Aboriginal self-determination to be both sustainable and meaningful requires political and economic control vested in the hands of the people whose lives depend on it.[438] It concludes that with a coherent vision, economic strategy and capital base, self-determination is realizable and can work to community advantage so long as it is judged in a material way; that is, based on political authority and overall economic status.

Second, there exists an important linkage between those Aboriginal leaders who are taking control and those economic decisions that are being made on behalf of their membership. According to Kalt, effective and appropriate governance institutions and strong leadership are key contributors to successful economic development.[439] He suggests that communities rich in natural and financial resources are not the only ones doing well in an economic and social sense. This means that those communities without

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436 Wendy Larner, "Neo-liberalism: Policy, Ideology, Governmentality," *Studies in Political Economy* 63 (Autumn 2000), 18.

437 Cornell and Kalt, "Reloading the Dice," 43.

438 Ibid. Also, Klak, *Globalization and Neoliberalism,* 257.

439 Roger Reberge, "The State of the Art: Aboriginal Policy Research in Canada," *Horizons* 6,1:44.

access to natural resources are not necessarily at a disadvantage in the new political economy. This is important news because not every Aboriginal community has a substantial resource industry like the tar sands located next to it. Not every First Nation has a capital base like MCFN. What this study demonstrates, therefore, is that it is the connection that exists between economic development and self-determination that is of most importance. It suggests that in order for any First Nation to think about self-determination, it must first think about an economic strategy.

As neoliberalism benefits those First Nations able to participate in a market society, for those that do not possess the same economic potential or capacity as MCFN, it is imperative to develop an economic strategy and address issues of economic development. Even if a large resource base is absent, a strategy must be developed, one that concentrates on economic growth as much as it focuses on political jurisdiction. For MCFN, its economic strategies are focussed on meaningful and equitable participation in the marketplace. Its goals of economic development and self-sufficiency have led to increased political autonomy and improved socioeconomic status. Its goals have also led to its economic participation, through the development of successful businesses and joint ventures with international corporations, enabling it to contribute to, and benefit from, Canada's economic growth and prosperity.

Even though the case of MCFN may in fact be the exception rather than the norm, this study is of scholarly importance because it opens up the debate regarding the importance of economic development for self-determination by demonstrating that economic development is essential to Aboriginal governance. It also offers an analysis

of the available literature and a theory of how self-determination might develop under neoliberal globalism. Although globalization has been a matter of concern and controversy, to date few studies on how it affects Aboriginal self-determination have been conducted. My research begins to fill that gap. Drawing on original data it provides important empirical evidence which provides a new understanding of Aboriginal governance. It highlights the dual importance of political autonomy and capitalization. It demonstrates how self-determination functions as a vehicle for Aboriginal community-based development in the new political economy, moving from the idea of self-government beyond the simple parameters of institutional arrangements to one of Aboriginal governance.

6.1 Contemplating the Implications of Globalization for Self-Determination

How have things changed for First Nations as a result of globalization? As one person observed:

> I have watched for 22 years how the community has gotten better and better. I mean, I can tell you when I first went up there it was not unlike a typical Aboriginal community – broken down cars in the front yard, the place looked like a mess. Now, you go up there today and people have their houses painted, they have fences, there is a new 4x4 in the driveway, there is a skidoo in the back of it and the kids have got designer clothes on – all this stuff that has all come from getting out there and having an opportunity.[440]

Is this due to globalization? And is this indicative of assimilation? The problem with conflating economic development with assimilation is essentialism. Aboriginal cultures are not static and it is impossible to sustain the traditional Aboriginal way without also

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[440] Syncrude Representative, *Interview with author no. 21* (Fort McMurray, AB: May 5, 2000), 6.

changing. At the same time, if the only consequence of self-determination is that it benefits capitalism then it is regrettable. The key, therefore, is choice, as Aboriginal people decide how to combine or balance the important elements of traditional life and modern demands. Clearly the challenge is that neoliberal policies lead to the creation of new governing institutions that are conducive to capitalism and that advocate market solutions to social programming. At the same time globalization has provided for economic development opportunities that enable Aboriginal people to use capital business ventures to generate revenue to pay for social housing and health care needs. It enables them to develop important youth and elder programs, healing camps and other culturally based initiatives. Evidently, the political and economic agenda of self-determination centres on the enhancement of capitalism but to a large extent MCFN demonstrates that it is possible to take advantage of this opportunity to develop an Aboriginal model for Aboriginal-oriented governance. Put differently, globalization privileges market solutions to social restructuring, primarily achieved through the dismantling of the Keynesian welfare state. However, it also enables First Nations to construct their own political and economic regimes that meet their own governance needs. This is in fact what makes MCFN self-determination both unique and appealing as it tries to balance the needs of its community with the demands of the world in which it lives.

6.2 The Mikisew Model

The strength of the MCFN case study lies in its ability to illustrate one possible path towards self-determination. In studying MCFN, there are certain elements which can be

identified as essential characteristics for the successful operation of Aboriginal self-determination. These qualities include external development (i.e. market opportunity and access to financial capital), internal assets (i.e. natural resources, human capital, institutions of governance and culture), and development strategy (i.e. choice of development activity). Interestingly, many of the factors suggested by Cornell and Kalt in their study also form the constituent blocks of MCFN governance. MCFN clearly possesses a high degree of political autonomy and has sufficient resources to develop its economy. It also has highly developed institutions including formal rules and procedures for decision-making, a professional financial and record system as well as strong governance institutions (chief executive and capable bureaucracy). It has also made the critical choice of separating electoral politics from the management of business enterprise, an important institutional development. Finally, it has made specific choices regarding the allocation of workers, capital and resources. MCFN has achieved many of the criteria set out as critical for successful political and economic development. Three additional elements have also contributed to the development of MCFN self-determination. They include: (1) money; (2) geography; and (3) industry.

6.2.1 Money

For many First Nations self-determination is unrealisable because of financial constraints. A significant finding of this study therefore is that a capital base is critical for self-determination. Because the federal government is not making additional money available for self-government negotiations, it is increasingly important that First Nations have their

own revenues to draw upon. MCFN possesses the necessary capital to do this. As the focus of study, MCFN makes obvious the connection that exists between economic strength and self-government. It demonstrates that only with sufficient dollars can self-government occur. This suggests that, for those First Nations that do not have adequate resources, self-government may in fact be elusive since neoliberalism works only when you have some leverage in the marketplace. Therefore, self-determination is predicated on the financial ability to make it happen.

Because much of MCFN's capital base is the result of the TLE, a critical part of MCFN success lay not only in the settlement of its outstanding claim with the federal and provincial governments but also in the financial award that accompanied it. As one member commented, noting that MCFN has more financial resources at its disposal, "as a result of that we are in a better position to identify economic opportunities which again at the end of the day will sustain our First Nation in different areas, individually and collectively as a First Nation."[441] Money alone, however, is not the magical ingredient to increased decision-making power or economic development. By way of evidence, one need only look next door to neighbouring Saskatchewan where the governments of Saskatchewan and Canada signed an outstanding Treaty Land Entitlement agreement with the chiefs of 22 First Nations on September 22, 1992.[442] The terms of the *Saskatchewan Treaty Land Entitlement Framework Agreement* provided $450 million dollars over 12 years to 22 bands to purchase land and mineral rights. Each of the bands

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441 Federal Government Representative, *Interview with author no. 30* (Edmonton, AB: June 6, 2000), 19.

442 Isaac, *Aboriginal Law*, 124.

was required to purchase "reserve" land and entitled to purchase a maximum of 1.67 million acres.[443] The requirement that the bulk of monies be spent only on land for reserves was problematic. For the most part, land choices were largely agricultural and did not represent a good investment since agricultural land limits labour force and economic development. Nor did the agreements take into account the inability of the land base to transform socioeconomic problems. The result is that the government of Saskatchewan is again at the table, this time working towards new models of governance which are designed to address socioeconomic disparities. The lesson from Saskatchewan, therefore, is that cash compensation without restrictions for its use is crucial for self-determination.

In general, while the current direction of federal Aboriginal policy reflects its focus on self-government, there exist few bands that possess the capital base necessary to actualize self-government. Money, however, is not only important to pursuing social development but also political interests since the wealthier a First Nation is, the more efficacious its government can be. This is why cash compensation is such a critical element of the TLE process. Speaking about MCFN in terms of the entitlement process, one federal official acknowledges that "some worked out really well with it – Mikisew being one."[444]

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[443] Government of Saskatchewan, *Aboriginal Policy Framework: Toward a Shared Destiny* (Saskatoon: Saskatchewan Indian and Metis Affairs Secretariat, 1994), 9.

[444] Federal Government Representative, *Interview with author no. 28* (Edmonton, AB: May 29, 2000), 4.

6.2.2 Geography

What about location? Kendall asks: "Is the relatively remote location of Aboriginal people a factor in their development?"[445] According to a 1970s study by Mel Watkins, the proximity of Aboriginal people to resource extraction is most likely to cause underdevelopment.[446] Yet, in his analysis of 1996 Census data, Armstrong considered a number of factors to create a "typology" of First Nations communities and concluded that Fort Chipewyan was located in a highly developed region of northern Alberta.[447] The report categorized 491 communities and divided them into groups of above average, typical disparity and high disparity based on indicators of socioeconomic well-being that included employment, income, education and housing relative to the average Canadian community. The results indicated a North-South and bi-coastal pattern, with above-average communities, those characterized by relatively high employment ratios and individual incomes as well as lower levels of crowding and incidences of education below grade 9, being located in the south.[448] The identification of the north-eastern region of Alberta as "above-average" is significant. It supports the conclusion that geographic proximity to urban or resource rich areas provide advantages to development. As Armstrong suggests, accessing resources and integrating with urban labour markets may

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445 Kendall, "Circles of Disadvantage," 45.

446 Watkins, "From Underdevelopment to Development," 91. Watkins writes that "large-scale resource projects are said by their proponents to create 'development.' In fact, for native people what has resulted is properly characterized as 'underdevelopment.'"

447 Robin Armstrong, *Rural and Small Town Canada Analysis Bulletin* 1, 8 (June, 1999), 3.

448 The Typical Disparity group was the largest of the three groups and showed a typical level of disparity in the four socioeconomic indicators relative to the average Canadian community. High disparity groups were characterized by below average conditions for all four variables.

be two pathways to success.[449] What this means is that even communities in typically unfavourable or isolated locations are able to pursue and take advantage of opportunities that can lead to socioeconomic success.

Although located far from urban centres like Fort McMurray, Edmonton and Calgary, isolation does not inhibit MCFN self-determination because it is not an impediment to development. Though isolation is often perceived to be an obstacle to political and economic development, the isolation "has been a blessing because it has forced Fort Chipewyan to be innovative and self-motivating."[450] Being close to a city, one MCFN member explains can make a First Nation community dependent on municipal provision of services or local business opportunities. In contrast, being isolated has forced MCFN to develop its own opportunities locally, like teaching the people plumbing or building-related skills so that they can build and repair their own houses instead of flying people up to do the work for them. Geography forces MCFN to be both independent and self-reliant.

6.2.3 Industry

Finally it is worth identifying the efforts of, and giving credit to, those companies (like Syncrude, Suncor, and Alliance Pipeline) that have promoted a new economic relationship with MCFN. Though Syncrude was originally compelled to work with the local Aboriginal communities, this does not diminish its ongoing contributions to MCFN. By virtue of Syncrude's assistance, MCFN was able to exploit local entrepreneurial

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449 Armstrong, *Rural and Small Town Canada Analysis Bulletin,* 4.

450 MCFN Member, *Interview with author no. 27* (Edmonton, AB: May 27, 2000), 10.

opportunities and "get [its] foot in the door" of local resource development projects. In addition, the company itself set employment targets to ensure that its employment demographics reflected the local population. Though corporate assistance is dressed up as social concern and ultimately serves corporate interest, this proactive corporate approach to working with First Nations is still not the norm. For example, De Beers which operates in northern Canada remains unprepared to set targets for hiring northern and Aboriginal workers at its Snap Lake diamond mine.[451] Aboriginal groups and government officials have pressed the company for a commitment but De Beers says its goal is to hire as many northerners as it can, without specifying any hiring targets.[452] But, what the Yellowknife Dene want to know is how the company will keep its promise, in the absence of specific numbers. As Roy Ellis, representing the Mackenzie Valley Environmental Impact Review Board, said "What really I'm concerned with is what hasn't been said, and that's that there hasn't been a specific commitment to an employment target or a business purchase target for the north."[453] Additionally, the targets for the other two diamond mines in the north are spelled out publicly. BHP Billiton has committed to hire 62% northerners and Aboriginals, while Diavik has set its target at two-thirds.[454] According to Ellis, those numbers are important for determining what effect resource development will have on the northern economy.

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451 The company hopes to begin operating the Snap Lake diamond mine, located 220 kilometers north of Yellowknife in 2006.

452 CBC News North, "No Targets for Northern Hire, says de Beers" (December 5, 2002) http://www.north.cbc.ca/template/servlet/View?filename=de06snapdebeer12062002.

453 Ibid. See also the De Beers, Canada website at www.debeerscanada.com/files/community.html

454 CBC News North, "No Targets for Northern Hire, says de Beers" (December 5, 2002), www.north.cbc.ca/template/servlet/View?filename=de06snapdebeer12062002.

In sum, there has been a convergence of unique circumstances and elements that have made MCFN self-determination what it is today. Most significant are the elements of money, geography and industry which make self-determination possible in the community of MCFN and, potentially, not in others. This does not mean self-determination can only occur within this particular framework and with these specific components. It is possible, and probable, that self-determination is occurring in other communities with a host of other characteristics. Ultimately MCFN offers one explanation as to why self-determination occurs the way it does, and why it matters. It also suggests that state retrenchment and capitalist development both help and hinder self-determination as some flourish while others flounder.

6.3 A New Category for Analysis: "Have" and "Have Not" First Nations

Is self-determination a choice? It is possible that self-determination may not be a choice if Aboriginal people are pressured into land claims intended only to open up their lands to resource development. It also may not be a choice if it threatens to destroy those fundamental elements which make Aboriginal people Aboriginal. Often self-determination is framed within the choice of progressive development or stagnant traditionalism. Most often, it is in northern Canada where this dilemma unfolds as non-renewable resource extraction dominates the economic landscape and the freedoms associated with self-determination are framed in terms of resource development.

With some First Nations choosing to embrace resource development based self-determination, the issue of choice may lead to the polarization of First Nations. Already a

new group of First Nations is emerging, one that competes more vigorously in the marketplace than others. As differences no longer occur only between individual members, they also can be found between different First Nations as different models of self-determination lead to different types of First Nations. In essence, issues of self-determination increasingly raise issues of unequal relations between First Nations. The result is that market driven self-determination may lead to the separation of First Nations into "have" and "have not" groups. To illustrate this point, Fort Chipewyan is a community already divided between those that have and those that have not, or at least not in the same way, benefited from federal policies and market opportunities. Different status within the Fort Chipewyan community exists between MCFN, ACFN and Métis groups. Although membership in each group has always held some degree of difference in terms of social power, today, financial status adds yet another dimension of difference to these groups, where membership within one collective is considered more advantageous than membership in another. In other words, as some First Nations settle lucrative claims, engage in resource development, receive sizeable amounts of funding and others do not, there is an increasing discrepancy in benefits that members enjoy, creating a new category of First Nations. In terms of specific groups, it is clear that MCFN is not only the biggest First Nation in the community but the wealthiest, making it a "have" First Nation. ACFN is also a "have" band though operating on a much smaller scale, leaving the Metis, by comparison, as the "have not" group within the community. This notion, that state retrenchment and market participation leads to different types of development, creates a new distinction between Aboriginal groups and raises a new and

interesting category of analysis from which to study the potential effects of land claims settlement and resource development on First Nations.[455]

6.4 Future Research Directions

As there are undoubtedly a number of First Nations poised to move forward on their own self-determination journey, MCFN presents itself as a leader, both nationally and internationally. Its success has not gone unnoticed. Already Maori communities in New Zealand have sought out MCFN member Dave Tuccaro for his entrepreneurial expertise. The success of MCFN, its members and its strategies are only just beginning to be recognized. As more and more Aboriginal groups seek to be part of the national and global economy, they also seek to maximize their economic potential, their monies and lands. Though MCFN is clearly a leader, other self-determination models are exploding onto the scene. What links these communities together is the motivation for self-determination that appears to be consistent. Innu leader Peter Penashue writes that history tells us that those nations "able to meet their own needs will become self-governing and succeed as nations; those that do not or cannot will fail."[456] Historically unable to govern themselves, most, if not all, Aboriginal communities have suffered. Penashue believes that Innu participation in projects like Voisey's Bay is part of the answer to solving rampant socioeconomic problems. This, he suggests, is the reason why

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[455] The notion of being a "have" group is not limited to Aboriginal groups but also to regions largely inhabited by Aboriginal peoples within Canada. As the perception of increased independence is primarily associated with resource development activity, other Aboriginal and government leaders in Canada proclaim that it is just a matter of time before the Yukon, the Northwest Territories (NWT), and the new territory of Nunavut will one day become a "have" region, much like Alberta has become thanks to oil and gas exploration. Clearly, both individual First Nations and territories alike seek to become "have" groups through the economic benefits resource development brings.

the Innu have taken the path they are now on. And that path is leading them to their own version of self-determination. Knowing they have rights to the land and its resources, the Innu intend to make use of those rights to make meaningful improvements in their lives.[457]

As more and more communities come to the same realization, more case study-oriented research is both required and possible. I advocate research that develops new and competing theories of Aboriginal self-determination. I further advocate research that tests those theories by grounding them in empirical studies. To that end, I agree with Abele when she writes that future "work must find a firm basis in the lived experience of the Native societies of Canada."[458] Hence, theoretical-oriented research complemented by empirical research is needed to advance our understanding of self-determination. Although the project of self-determination is as varied and as diverse as the communities that confront it, this diversity generates great potential for new and different directions in future research.

6.4.1 The Gender Dimension

Unfortunately, issues pertaining to women in the Aboriginal community are often overlooked. Hence, close inspection of the linkages that exist between globalization and Aboriginal self-determination and their effects on women is required. For instance, is the position of Aboriginal women improved or eroded under self-determination?

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456 Peter Penashue, "Why I made peace with Bay Street", *Globe and Mail* (December 3, 2002), A23.
457 Ibid.

Observations suggest that Aboriginal women are in fact benefiting from employment opportunities, educational development and social service programming. Many of the people employed by MCFN, in administrative positions, are women. Many of the MCFN members employed by Syncrude are women. Many of those who are in school or who have graduated are women. And new social services are being created to address some of the social problems disproportionately affecting women. For instance, in 2000 MCFN opened the doors to Paspew house. It is a family crisis centre that provides a safe shelter for women and their children who want to escape abusive relationships. What these developments suggest is that Aboriginal women are in fact benefiting from self-determination. What is needed is more research which tests the validity of this assumption. As the next generation of MCFN women mature under the current regime, only time and research will tell how neoliberalism affects them.

6.4.2 Federalism

Having explored the topic of self-determination from a political economy perspective, other methods can provide different viewpoints on the implications of self-determination in this era of globalization. As Canada is ostensibly building the federation through devolution of federal responsibility to Aboriginal communities, more research and study of self-determination is needed.[459] For instance, to what extent do new Crown-First Nation arrangements affect the operation of Canadian federalism? In other words, how

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458 Frances Abele and Daiva Stasiulis, "What about Natives and Immigrants?" in *The New Canadian Political Economy*, Wallace Clement, ed. (McGill-Queen's University Press: Montreal & Kingston, 1989) 256.

459 "Robert Nault 'disappointed' with Assembly of First Nations." *The Hill Times* February 10, 2003.

has treaty federalism, defined as "an existing and constitutional concept and mechanism to allow Aboriginal people to take over their affairs and destiny" affected the central processes of Canadian federalism? What, if any, role is there for First Nations in discussions about the Kyoto Accord, Medicare funding and the social union framework agreement?[460] Treaty federalism may well represent a political agenda more than a description of the present operation of Canadian federalism. It is important to expand the investigative horizons in order to examine the impact of self-determination on the wider structures of federal and provincial governance.

6.4.3 Comparative Potential

While this thesis initiated a discussion on how globalization affects Aboriginal self-determination, there is much more work to be done. This thesis represents a first step. By providing a case study analysis, the field of research is open to further comparative analysis to determine the extent to which MCFN represents a typical or atypical self-determination experience. As Cassidy suggests, "comparative study from a political science perspective is badly needed."[461] Empirical studies that lend themselves to comparative analysis are lacking. Hence, comparative analysis between Aboriginal communities, across provinces and regions that are considered to be "resource-rich" is necessary. Additionally, to better understand Canada, it is necessary to take Aboriginal research a step further by comparing and contrasting the experiences of Aboriginal people in Canada with those in other countries. For example, by exploring the self-

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460 James [sakej] Youngblood Henderson, "Empowering Treaty Federalism" *Saskatchewan Law Review* (1994) 58:326.

determination of the Maori in New Zealand it is possible to contribute to the national and international debates about the effects of devolution on governance and the extent to which Aboriginal self-determination best fits into or can be accommodated within the federal model. Comparing the experiences of Aboriginal people within different nations provides an obvious entrance to understanding patterns Aboriginal self-determination and the relevance of globalization. It is necessary therefore to perform comparative studies at the provincial, national and international level.

6.4.4 Measuring Change

Finally, measuring change between government, market and First Nations is also important. A quantitative study would assist by measuring the extent to which the MCFN model is in fact working in the way it appears to be. However a lack of data, records and information preclude such a study at the current time. What this thesis does then is lay the ground work for a future statistical analysis. The next step is to assess degrees of change within a statistical model, over time. Looking at classic socioeconomic indicators that measure change in areas such as income levels, social infrastructure, revenue, migration, economic output, social welfare dependency, housing levels, and educational attainment, will clearly demonstrate the extent to which these changes remain consistent with present observations. Hopefully, future statistical information collected by MCFN and the Government of Canada will make this type of research possible.

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461 Cassidy, "Aboriginal Governments in Canada," 97.

6.5 Final Thoughts

Despite the research gaps that exist, many important questions have been answered in the course of this study. Questions of federal policy, Aboriginal autonomy and political economy are just some of those that have been addressed. Consequently, this dissertation sheds light on some of the salient features of the relationship that exists between Aboriginal self-determination and neoliberalism. It also provides new ways of thinking about this relationship since it demonstrates that neoliberalism, which provides a policy environment that privileges the marketplace and disproportionately benefits the wealthy, similarly works to the benefit of well-resourced First Nations. This study demonstrates therefore that it is possible, in the neoliberal era, to construct a type of self-determination based upon First Nations participation in the marketplace. Of course, an unfortunate consequence of globalization therefore may be that self-determination is measured in terms of economic success. The importance of this study therefore is the valuable contribution it makes as a first step towards understanding Aboriginal governance and the linkages it establishes between neoliberalism and self-determination and, because neoliberalism is closely wedded to globalization, between globalization and First Nations. Conceptions of globalization and governance therefore, provide a framework through which we can better understand and explain the nature of the changes occurring in the state-Aboriginal relationship as well as those occurring *within* many Aboriginal communities.

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APPENDIX A: MCFN Self-Government Membership Information Package

MIKISEW CREE FIRST NATION
SELF-GOVERNMENT
MEMBERSHIP INFORMATION PACKAGE*
(*reproduced verbatim from original)

1. What Self-Government means:

1.1 Mikisew Cree First Nation will have autonomy within Canada. Mikisew Cree First Nation will be a unique government: not a province nor a municipality but a government with powers closer to that of a province – chief and council will make laws such as by-laws, apply laws by its administration and review laws by its court.

1.2 Self-government legislation will replace the operation of the Indian Act. Only sections of the Indian Act that are beneficial will be maintained e.g. tax and seizure exemption and sections that preserve reserve lands.

1.3 Mikisew Cree First Nation's government powers will be constitutionally entrenched so that no one can take power away through the courts or by way of the actions of other governments.

1.4 Negotiations are necessary for coming to agreement with Canada on the type, structure, powers and funding for self-government.

1.5 In addition to achieving recognition of the First Nation government and its powers self-government addresses funding – funding is one half of the discussions. For instance, every authority such as health care, education, etc. must be provided for by resources.

1.6 Negotiations with Alberta are necessary as Alberta holds powers that Mikisew Cree First Nation desires: for instance those areas within the hamlet of Ft. Chipewyan and jurisdictions such as the administration of justice.

1.7 Self-Government will implement the power that the Mikisew Cree First Nation has over many areas such as human services, land management, the environment and public and finance.

1.8 Under self-government only those laws that do not conflict with Mikisew Cree First Nation's laws will apply to reserve lands.

1.9 With authority comes responsibility; if the Nation does something wrong it will be to blame not another level of government. However, any wrongs done by Canada remain the responsibility of Canada.

1.10 The self-government agreement will not harm Mikisew Cree First Nation's or it member's aboriginal and treaty rights.

1.11 Self-government is a continuation of what the administration has been doing on a sectoral basis. All the self-government agreement will do is to coordinate the various service areas and provide formal recognition to the First Nation jurisdictions and moneys necessary for government.

1.12 Implementation of self-government will take several years so as to provide for management training and the creation of mechanisms for governance.

1.13 Implementation will provide for the capacity building of the First Nation members as training in management and service delivery is required.

2. Why self-government is necessary for Mikisew Cree First Nation:

1. If Mikisew Cree First Nation does not take control of its own affairs other levels of government will do so. There is a threat that Mikisew Cree First Nation could become a municipality under Alberta.

2. Mikisew Cree First Nation could formulate its own unique government that fits its values and traditions.

3. The basic principles of the self-government agreement will be given constitutional entrenchment which will prevent any future government within Canada from taking Mikisew Cree First Nation's powers and authorities away.

4. Self-government is a means of achieving the goals noted in Mikisew Cree First Nation's mission statement. The mission statement's holistic goals are: cultural and spiritual values, economic self-sufficiency, political autonomy and maintenance of land and environment. The self-government agreement will provide Mikisew Cree First Nation with the powers and resources to bring about these fundamental goals of the Nation.

5. Self-government also provides an umbrella of means for achieving many of the priorities that Chief and Council have set for the Nation e.g. governance, elder's senate, economic development, social issues and environmental matters. The self-government agreement will provide Mikisew Cree First Nation with the powers and resources to address these subject matters.

6. Self-government provides a means of gaining control of the Wood Buffalo National Park and parts of Ft. Chipewyan. Mikisew Cree First Nation will negotiate a self-government agreement if and only if it can also negotiate a management agreement for the National Park which is the traditional lands of the Nation.

7. Self-government will also provide a means of controlling the economy of the north east corner of Alberta. Mikisew Cree First Nation will take over powers over lands in phases. For example, Mikisew Cree First Nation will take control of: DIAND powers over the reserves and Canada's management of the Wood Buffalo National Park, then all of Canada's powers over the reserve, then Alberta's powers over the reserves and finally, Alberta's control over certain things within the hamlet of Ft. Chipewyan.

8. DIAND is closing down its services to Indians. Mikisew Cree First Nation will have to be self-governing. This is already happening in Manitoba where First Nations are taking over all DIAND activities. There is no alternative for Mikisew Cree First Nation but self-government.

9. The Indian Act provides no future for Indians. The Indian Act is for the protection of the federal Crown not Indians.

10. Self-government will stop the transfer of federal responsibility over Indians and reserves to Alberta. Bill c. 76 transfers to Alberta blockfunding which includes funding for Indian residents in Alberta. Self-government will provide for direct transfer payments to the Mikisew Cree First Nation.

11. Self-government will protect and maintain the aboriginal and treaty rights of the Mikisew Cree First Nation and its members – the Nation will have the power to preserve these rights.

12. Under the Indian Act Mikisew Cree First Nation is accountable to the Minister of Indian Affairs. Under self-government First Nation Mikisew Cree First Nation will be only accountable to its members.

3. Alternatives to Self-Government:

DIAND is closing down its services to Indians. Mikisew Cree First Nation will have to be self-governing. This is already happening in Manitoba where First Nations are taking over all DIAND activities. There is no alternative for Mikisew Cree First Nation but self-government.

4. Danger for not doing anything:

Other governments will get Mikisew Cree First Nation's powers and funding. Other governments, namely Alberta, will become more powerful at the cost of taking the powers and funding that should go to the Mikisew Cree First Nation.

5. How Self-Government will address existing problems:

1. Incomplete and fragmented funding and services, DIAND funding is program oriented, no funding is provided for services outside of DIAND programs. Under self-government a holistic approach to human and land services will be possible as global financial transfer arrangement will allow Mikisew Cree First Nation the discretion in funding and designing service delivery to the reserve and members. For example elder services could be created or child welfare services could be provided in the family home so as to prevent social problems or deal with them in a family setting.
2. Housing is a major problem on all reserves as only limited funds are provided by DIAND. Under self-government, Mikisew Cree First Nation will have the discretion to develop funding and programs that address housing in a way that uses the resources o the Nation in a more efficient way.

3. Stop the invasion of provincial jurisdiction on reserve; by s. 88 of the Indian Act; the province has jurisdiction on most matters that are not covered by the Act. Under self-government Mikisew Cree First Nation will have a wide scope of powers that will over ride provincial jurisdiction in many areas.

4. Provide fair treatment to non-members who live on reserve; under the Indian Act there is no provision for non-members who live on reserve. Under self-government residency legislation will give protection to non-members. In general, most Mikisew Cree First Nation laws will apply to non-Indians.

5. Band management under the Indian Act is fragmented and foreign. Under self-government the Mikisew Cree First Nation can develop a holistic management of the Nation.

6. Self-government could assist Mikisew Cree First Nation in gaining control off the reserve – a strong Indian government could fill the void in government in the region.

6. Comparison of Government under the Indian Act and Self-Government

Indian Act: concerned with land management and the registration of Indians	**Self-Government:** concerned with First Nations governance over all human and land services
Legal Status and Capacity: band council is a delegate of the Minister the band cannot sue, contract or hold land the power of the band is limited to out of date by-laws under the Act the Indian Act did not foresee that First Nations would be self-governing	the First Nation will be a stand alone government with the powers to make laws, apply laws and judge laws and will have the powers of a natural person, e.g. contract, sue, be sued, hold land, raise money and do all other things necessary for governing
Structures and Procedures: the Indian Act and its regulations provide all guidelines for the limited government under the Indian Act	the First Nation consists of the council, administration and courts, the Nation will have its own constitution that will guide its activities
Citizenship: ss.8-16 of the Indian Act provide all the rules on membership: there is no provision for non-members	Mikisew Cree First Nation Citizenship Code will provide all the rules for membership and non-members resident on reserve
Selection of Leadership: ss. 74-80 provides for elections: a non-Indian can be a chief; terms are only 2 years	Mikisew Cree First Nation Election Code will provide all the rules for elections based on the customs of the Nation
Application of the Indian Act: the Act applies to anything that occurs on reserve land and allows the province to invade the band's jurisdiction in those areas where the Act does not cover a situation	only the tax and seizure exemptions under the Indian Act will be kept; all federal and provincial laws that are inconsistent with the self-government legislation will not apply
Management of Lands, Waters and Resources: the Minister has the ultimate power; the band council can be delegated limited powers	the Mikisew Cree First Nation will have the power to manage all reserve lands, waters and minerals and environmental matters; title to reserve land remains the same
Traffic and Transportation: The province is given jurisdiction over most traffic by the Reserve Traffic Regulation 954 under the Indian Act	Mikisew Cree First Nation will have the authority over the operation of vehicles, traffic regulation, the transport of goods

	and the construction and maintenance of transportation infrastructures
Public Works and Community Infrastructure: the band's activity here is limited to DIAND Region's band support and capital management policies and funding	Mikisew Cree First Nation will have the authority over the operation of vehicles, traffic regulation, the transport of goods and the construction and maintenance of transport infrastructure
Education: ss. 114-123 provides for K-12 for band members	Mikisew Cree First Nation would have jurisdiction over all levels of education as it pertains to members
Family Services: DIAND provides for all social services but this is limited and for the most part governed by Alberta; for instance child welfare is driven by Directive 20-1 funding for tripartite agreements	Mikisew Cree First Nation would have jurisdiction over all levels of social services as it pertains to members
Licensing, Regulation and Operation of Businesses: s. 81 provides limited powers to the band regarding bee keeping, hawkers and peddlers	Mikisew Cree First Nation would have the authority to establish and operate licensing, evaluation, regulation, collection and enforcement mechanisms as it pertains to the operation of all business on reserve
Health: Canada through MSB provides limited health care services to members on reserve; all off reserve services are provided by Alberta	Mikisew Cree First Nation would have jurisdiction over all levels of education as it pertains to members
Culture Language and Heritage: the Indian Act fails to protect culture, language and heritage of First Nations	Mikisew Cree First Nation would have jurisdiction over the promotion and protection of language, customs and religious practices of Mikisew Cree First Nation
Administration of Justice: ss. 106 and 107 of the Indian Act only allows for a magistrate to issue fines for offenses under the Act; all other legal offenses or disputes are under the powers of Alberta's courts	Mikisew Cree First Nation would have jurisdiction over the administration of justice so as to enforce laws, and to adjudicate (to review the other branches of government, various matters under the Criminal Code, civil matters and all laws under the self-government legislation.)

Wills and Estates: ss. 42-52.2 gives the Minister complete power over the property of infant and dependent adult members and the wills and estates of Indians normally resident on reserve.	Mikisew Cree First Nation would have jurisdiction over the moneys of infant or dependent adult members and the wills and estates of members.
Financial Powers: the band's powers are limited to the powers under s. 81 of the Indian Act bands can only tax interests in land and their members	the financial powers of Mikisew Cree First Nation shall be regulated by its Financial Administration legislation. Its tax powers will include taxation of interests in land and the ability to enter into agreements with other governments.
Financial Transfer Arrangement: Alternative Funding Arrangements provide the band with the greatest discretion regarding funding; however, funds are limited to DIAND programs.	A Global Transfer Arrangement will provide funding that is necessary for the running of a three branch government. Special provisions for: start-up, dis-economies of scale, demographics and prevailing fiscal policies of Canada. The funding will not be limited to DIAND programs as the transfer will be from Canada not DIAND alone.

7. Readiness of Mikisew Cree First Nation to Negotiate:

1. Mikisew Cree First Nation has political stability; the Council has been in office for numerous administrations.
2. Unlike other First Nations, the majority of the administration have also been long term and are for the most part members – a management class exists within the membership.
3. Mikisew Cree First Nation has good public management.
4. Mikisew Cree First Nation provides a wide spectrum of services to its members.
5. Mikisew Cree First Nation is an independent First Nation.
6. Mikisew Cree First Nation's goal is economic self-sufficiency which it views as a prerequisite to self-government.
7. The above sets Mikisew Cree First Nation apart from other First Nation's and makes it one of the few First Nations that could be self-governing.

8. Governance will be sought over:

i) reserve lands; to be negotiated with Canada and Alberta if the jurisdiction in question is held by the province;
ii) co-management of traditional lands within the Wood Buffalo National Park to be negotiated with Heritage Canada;
iii) those parts of the hamlet of Ft. Chipewyan that are occupied by the First Nation e.g. multiplex, residential and public works venues; these negotiations will require the involvement of Alberta and the municipality of Wood Buffalo.

9. Management of Wood Buffalo National Park:

In conjunction with the negotiation of the matters concerned with the reserve, Mikisew Cree First Nation wants to renegotiate the management of Wood Buffalo National Park which is within our traditional territory. These negotiations would be between Canada and Mikisew Cree First Nation and should not involve Alberta.

10. How Mikisew Cree First Nation Would Achieve Self-Government:

The Mikisew Cree First Nation's control of reserve and other lands has to be done in stages that allows the Nation to develop its management capacities. A phased approach would allow us to deal with control of the reserves and the Park first, then non-reserve lands in another stage of negotiations:

i) Phase I: negotiate transfer of jurisdiction that DIAND possesses and management agreement for the Wood Buffalo National Park;
ii) Phase II: negotiate transfer of jurisdiction that Canada has;
iii) Phase III: negotiate transfer of jurisdiction that Alberta has on matters that arise on reserve;
iv) Phase IV: negotiate transfer of jurisdiction that Alberta has on certain matters affecting members that arise in Ft. Chipewyan.

11. Provincial Participation

Alberta will have to be party to the negotiations as many areas of jurisdiction are presently held by the province. Tripartite negotiations with Canada, Alberta and Mikisew may be the most productive way to address the negotiations of Mikisew Cree First Nation's self-government ambitions.

APPENDIX B: MCFN Letter of Support

MIKISEW CREE FIRST NATION
ALLISON BAY INDIAN RESERVE #219
BOX 90, FORT CHIPEWYAN, ALBERTA T0P 1B0
PHONE: (780) 697-3740 FAX: (780) 697-3826

To Whom It May Concern: 05 October 1999

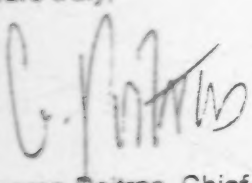
I have known Gabrielle Slowey since May 1997. At that time she indicated that she was interested in doing her doctoral research in our community. It is my understanding that she has now submitted her research proposal to her supervisory committee and will be presenting it to us at our next Chief and Council meeting in November. Thus, while I cannot formally commit our Council before we meet to consider the proposal, I can say at this time, for myself, that I am very supportive of her proposed project. I also know that many Council members share my general support for Gabrielle.

As a northern community, we are surrounded by resource development projects. As a result, we are eager to support research which could further our understanding of the issues that we must confront. As an outside source, we feel that Gabrielle is best able to bring ideas and possibly a new perspective. As the focus of her research will be on our community, we are particularly interested in having her assess the changes our community has undergone since the signing of our Treaty Land Entitlement in 1987. The political and social climates of Canada have changed dramatically over that time, as have our communities. I feel that her project will give us a different perspective about the impact of these economic activities and peoples expectations of them. In this way, her research will contribute to our understanding on these subjects and add to our overall appreciation for the issues that face us. Thus, I believe that her research is very important in that her perceptions will give us new opportunities to ponder these issues and new insights from which to consider them.

Gabrielle's familiarity with our community will be a great asset to her research. She has kept in contact with the friends she made during her stay with us, which indicates that she is dedicated to our community. Thus, we trust that she will be sensitive to our members in conducting her research. Given her cognizance of the concerns of the community, we believe that she is trustworthy and best able to accomplish such a project. We look forward to her return and we welcome her research.

If you have any questions about our position with respect to the grant application or with regards to our community, please do not hesitate to contact me at 1-800-668-1634.

Yours truly,



George Poitras, Chief

APPENDIX C: Research Letter

My name is Gabrielle Slowey and I am a doctoral student in political science at the University of Alberta. As part of my doctoral dissertation, I am conducting research in Fort Chipewyan and Fort MacMurray into what role government today plays in the lives of First Nations. I am also curious as to how big companies (like Syncrude/Suncor) affect First Nations peoples in Northern Alberta. The point of this research is to try to determine what, if any, changes have occurred to the people of the Mikisew Cree First Nation over the past fifteen years. I would like to talk to you about how government and corporate activity (or inactivity) affects Aboriginal self-determination and what, if any, impact their activities have had on your life.

My research is being supervised by Dr. Linda Trimble, Department of Political Science at the University of Alberta who can be reached via mail at the Department of Political Science, 10-13 HM Tory Building, University of Alberta, Edmonton, AB. T6G 2H4, by phone at (780)492-3555, or fax (780)492-2586. I can be reached at the above address as well.

Please note that I received permission from the Chief and Council to conduct this research on the 23rd of November, 1999.

If you agree to be interviewed, I promise the following:

- To ensure that your privacy and confidentiality are protected, which includes not attaching your name to any information if you so choose, and/or disguising any identifying information.
- That I will not record, either by tape or writing, our interview unless you give me permission to do so.
- That participation is limited to this one interview and that I will only contact you about clarification with your permission
- To provide you, upon your request, with a written summary of our interview for your review, and to which you may make any changes, deletions, or add new information
- To present my findings and deliver a copy of my thesis to the Chief and Council of MCFN upon completion and for the final results to be made available to you.

If you agree to be interviewed, you have the right to do the following:

- To withdraw from the research project at any time.
- To discontinue with the interview if you feel any discomfort or anxiety.

By agreeing to be interviewed, you are granting your consent. Your words and your thoughts are both important and protected in this interview. If you agree to be interviewed, I thank you for your time and contribution to this research.

APPENDIX D: List of Questions

These questions are intended to assist the interviewer by giving them more specific topics to address – if they so desire.

Consent:

- Have you read the form I gave you?
- Do you agree to be interviewed? Taped?
- Do you understand that you can stop this interview at any time?
- Are you ready to start?

Theme A: Housing

- Do you own this house? Rent?
- How many people live here?
- How long have you lived here?

Theme B: Age

- How old are you?

Theme C: Status

- Are you a member of MCFN? How long?

Theme D: Education

- So what do you do for a living? What is that like?
- Did you have to go to school for that? How long?
- Did you know anything about residential school?

Theme E: Industry

- So do you go to Fort MacMurray often?
- Do you know many people who work for Suncor or Syncrude?
- What are their lives like?
- How has the presence of corporations affected you? Mikisew? Other members?
- Are things better or worse than before they were here? How so?

Theme F: Government

- So what do you think of Chretien? How about Minister of Indian Affairs? What do you think needs to be done? What do you want to see change?
- What sort of changes have you noticed over the past fifteen years? Is government still doing its job? How?
- What do you think about self-government?
- What do you think MCFN should do about self-government?
- How do you envision the future for Mikisew? Its members?

Winding down:

- What sort of changes would you like to see made? By MCFN? By the corporations? By government?

Well I think that is it.

Thank you for your time

I will contact you later this week to see if there is anything else you might want to add or that you thought of.

Do you want to review the transcript when I type this up?

Do you have any questions?

Possible Supplemental Questions:

1. How has the presence of corporations affected MCFN? Are things better or worse?
2. How do you feel the presence of the oilsands companies affects you?
3. What, if any role, do you think the big oilsands corporations should play in Mikisew?
4. What changes have you noticed over the past fifteen years? Are things better or worse? How?
5. Do you think MCFN is self-governing? If so, how? If not, should they be? What role do you see the government playing in the life of MCFN?
6. What sort of changes would you like to see made? By MCFN? By the corporation? By government?

APPENDIX E: Summary of MCFN Governance Transformation Pre- and Post- TLE (1986)

	PRE TLE	*POST TLE*
Land Claim (Treaty Land Entitlement)	No reserved lands	Reserves Assigned and cash awarded
Financial Arrangement	Annual Funding Arrangement	CFNFA[1]: Multi-year block funding (25 million every 5 years)
Housing	3 houses a year provided by INAC	MCFN develops own housing strategy and works with CMHC and own businesses
Health Care	Provided by Federal Government –Medical Services Branch (now FNIHB[2])	Provided by federal government via Nunee Health Authority
Education	Federal-Provincial	Federal-IEA[3]-Provincial
Market activity	Hunting/trapping/wage labour (seasonal, Syncrude/Suncor/Shell and government jobs)	MCFN businesses[4] and previous activities
Governance	INAC-MCFN (Indian Act and Treaty 8)	INAC-MCFN (Indian Act and Treaty 8)

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1 CFNFA = Canada First Nation Financial Agreement

2 FNIHB= First Nations and Inuit Health Branch

3 IEA= Indian Education Authority which was formed by Cree and Chip bands to administer tuition agreement between federal and provincial orders of government.

4 MCFN companies include 2000 Plus, Air Mikisew Ltd., Fort Chipewyan Building Supplies, Fort Petroleum Corporation, Mikisew Camp Management Ltd., Mikisew Commercial Properties Ltd., Mikisew Holdings Ltd., Mikisew Industrial Services Ltd., Mikisew Manufacturing Ltd., Mikisew Mining Corporation, Mikisew Supplies and Services Ltd., Mikisew Tourism Corporation and MSD Corporation.